FDR'S HUNDRED DAYS WAR • THOMAS J. SUGRUE

THE Nation.

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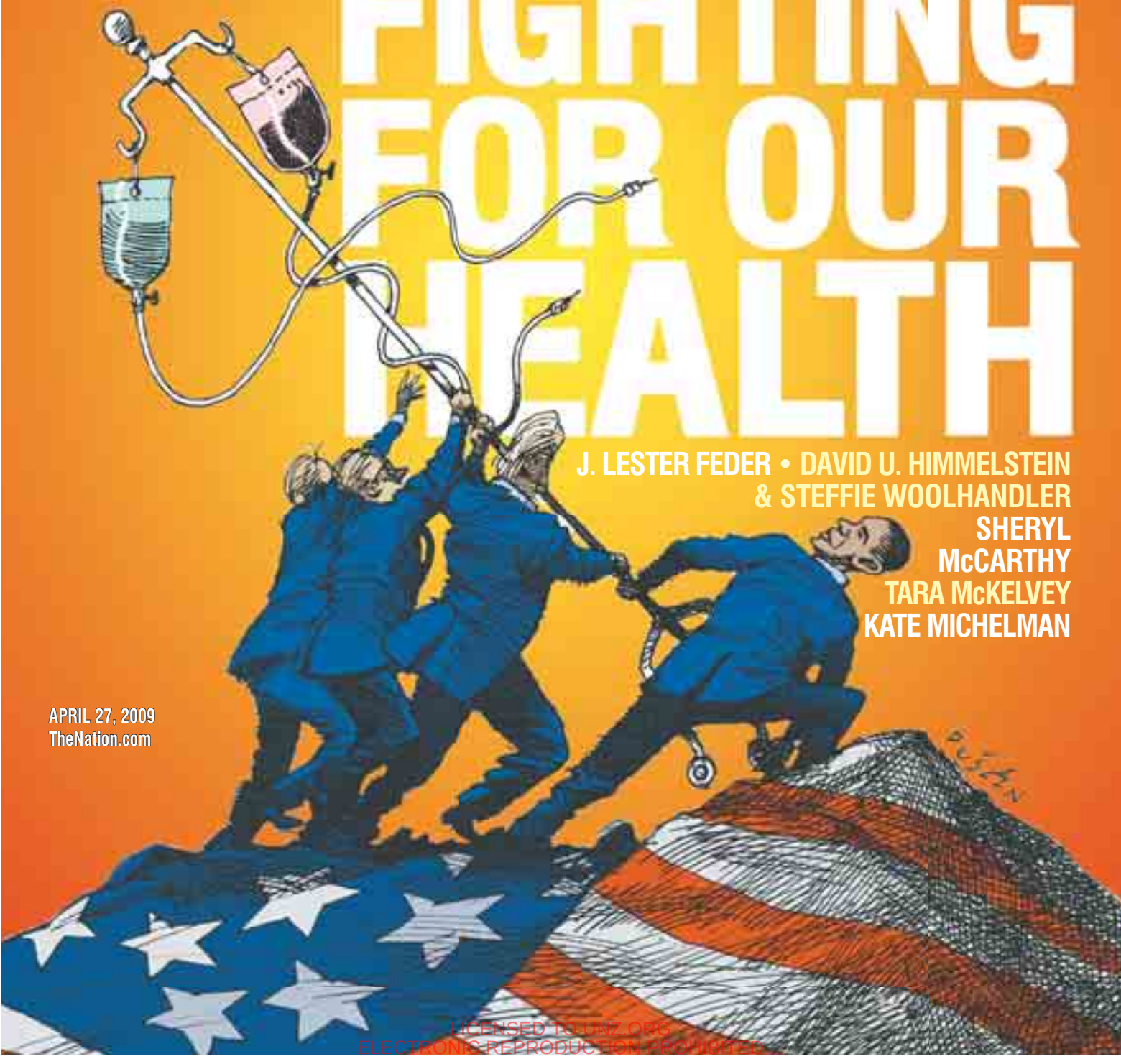

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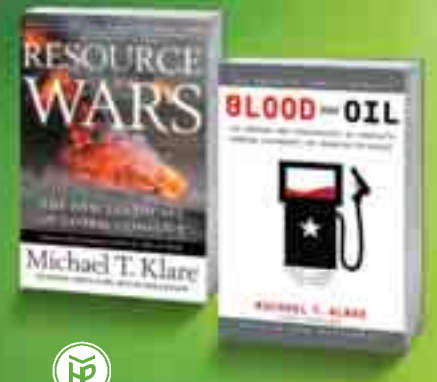

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Exchange

Sexual Trauma & Repressed Memory

Cambridge, Mass.
JoAnn Wypijewski, in her March 16 "Carnal Knowledge" column, tells us that Paul Shanley's "defense counsel offered not a single study or witness to rebut" the legitimacy of repressed memory. Is she unaware that the highly aggressive discreditor of repressed memory Elizabeth Loftus was put on the stand by Shanley's highly aggressive (and expensive) lawyer? Or did Wypijewski repress that memory? Also, I would find it amusing if it were not so ludicrous that Wypijewski thinks this is "a case that some powerful interests no doubt hoped was as settled as the grave." And exactly which powerful interests might that be: survivors/victims of Paul Shanley?
Lucia Mudd

New York City
As a longtime *Nation* reader I was surprised and profoundly disappointed to read the piece of propaganda by JoAnn Wypijewski. It is filled with unsupported statements that reveal a bias against research and a failure to appreciate the complexity of the long-term consequences of violence against children. There is an abundant neurobiological literature that documents and explains the mechanism of dissociative memory and a growing appreciation for the difference between dissociation and repression. While we understand now that memory is unreliable, we also understand that traumatic memory from childhood haunts people and can wreak havoc with their lives as adults. Dissociative amnesia, along with other dissociative disorders, is a researched, documented diagnosis in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*. False memory of childhood trauma remains a polemical tool in the hands of a few angry individuals.
Karen Hopenwasser, MD
Associate clinical professor of psychiatry
Weill College of Medicine, Cornell University

letters@thenation.com

Wypijewski Replies

New York City
How touching that Lucia Mudd believes that the Boston priest scandal was a simple dispute between victims and criminals. That was always a comforting fiction, as if the media, which boosted their sales; and the *Boston Globe*, which wangled a Pulitzer for its Spotlight accusation team; and the personal injury lawyers, who made millions; and the DA, Martha Coakley, who advanced her political career; and the memory therapists, who spouted their cockamamie theories and collected their fees; and the advocacy groups, whose members brandished images of Satan and (as I witnessed) spat on people who disagreed with them outside churches, were all selfless actors in the public service.

The Catholic Church must be most glum about renewed attention. Having formerly shunned real victims of abuse, it made itself a cash register for anyone with an allegation, just to make the scandal go away. Its estimated $1.4 million check to Gregory Ford was the largest individual payout of the scandal. Ford had started the chain reaction of nearly identical recovered memories that landed Paul Shanley in prison, but he was dropped from the criminal case after prosecutors discovered that, as a teenager, he'd accused family members and a neighbor of rape, accusations his family never had an interest in pursuing.

Dr. Hopenwasser says in passing, "we understand now that memory is unreliable." Exactly my point. And memory that was not even memory—that is, inaccessible, banished from consciousness—until "triggered" by newspaper articles and the prospect of monetary gain is even more unreliable. In large part, our understanding of how memory works, and doesn't, owes a debt to decades of brilliant research by Elizabeth Loftus. Loftus was a defense witness at trial, badly handled by Shanley's then-lawyer, who did not even come back for redirect after a misleading cross-

(continued on page 24)

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Operation Healthcare

Like Congressman John Conyers and the seventy-four House co-sponsors of his United States National Health Care Act (HR 676); like the thirty-seven state AFL-CIO councils and more than 500 union organizations that have endorsed that legislation; like the American Medical Student Association, the California Nurses Association and the thousands of doctors associated with Physicians for a National Health Program; like 59 percent of the Americans surveyed in January by CBS News and the *New York Times*, we would prefer to see Congress respond to this country's healthcare crisis by scrapping a failed for-profit system and replacing it with a comprehensive national health insurance program.

EDITORIAL

Even President Obama has said, "If I were designing a system from scratch, then I'd probably set up a single-payer system." We believe that program would work best if it expanded and improved on Medicare to cover everyone. Unfortunately, the political establishment—susceptible as it is to the influence of health insurers—has shown scant inclination to embrace the best cure for what ails our system.

Obama and his Congressional allies are trying instead for a partial cure: expanding public options while maintaining private-sector competition. Many progressives are supporting the public-plan option on pragmatic grounds, pushing for what they see as a politically feasible fallback from single-payer. As J. Lester Feder points out on page 11 of this special healthcare issue, the public plan "may be a crucial cost-containment measure—if it can run more efficiently than private plans, it can force costs down across the system through competition."

While a public-private hybrid system would represent a step in the right direction, it is not without its pitfalls. As David Himmelstein and Steffie Woolhandler explain on page 14, Massachusetts, which adopted such a model in 2006, is not providing universal, affordable care to state residents.

Single-payer advocates, meanwhile, are organizing on behalf of Conyers's HR 676 and variations offered by Washington Democrat Jim McDermott in the House and Vermont independent Bernie Sanders in the Senate. But recognizing the urgency so poignantly detailed by Kate Michelman in her piece in this issue, progressives can also back smart, if incremental, reforms that strengthen and expand publicly funded and managed healthcare—like the legislation advanced by Wisconsin Representative Tammy Baldwin, among others, which would make it easier to develop single-payer systems at the state level.

Let's repair and fully fund existing public models, like the system of hospitals and clinics that are supposed to care for our veterans. Let's expand our network of public health clinics, as Sanders has suggested. Let's look for ways to move more Americans into the Medicare program. In the initial stages of the stimulus debate, there were discussions about lowering the age of eligibility for Medicare as a strategy for aiding Americans younger than 65 who have lost their jobs and health benefits. Perhaps, at the same time, we can merge the S-CHIP program, which serves children, into Medicare.

We should keep in mind that Canada's system developed over more than twenty years, beginning in the provinces and then going national. While resisting initiatives that use "reform" to strengthen the hand of private insurers, progressives can achieve short-term changes that boost the public side of the equation—and then build on those changes to achieve the comprehensive reform that we need.

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News & Analysis

Peter Kornbluh on Fujimori's conviction
Danny Glover on the United Nations
Dave Zirin on the Michigan State Spartans

Forum: Meltdown: crisis & recovery

Tell The Nation: South Africans fight foreclosure

Poll: Sarah Palin's worst gaffe

Not Our Department

100 DAYS

When you call the Labor Department's Wage and Hour Division (WHD), the woefully understaffed body tasked with enforcing the nation's labor laws, you are likely to be channeled to voicemail. You're lucky if you ever get a call back. The Government Accountability Office recently completed an investigation of the division's efficacy in processing and investigating complaints, in which the GAO called in fictional complaints of labor law violations and observed the responses. The results were shocking. In one case, a caller in Miami left seven messages complaining that his employer had failed to give him his last paycheck, and was never called back. In several other cases WHD investigators lied about having followed up on complaints, entering them in the database as resolved, without ever having pursued them.

But the call that best sums up the current state of enforcement was a tip alerting investigators in a California office that children were working at a meatpacking plant. In the hierarchy of labor law violations, child labor occupies a category all its own. A ban on the practice was one of the first laws passed to protect workers, and to this day the prohibition serves as a marker of the developed world, the minimum threshold of decency. So when a GAO investigator called the San Jose branch office in October and left an anonymous message that children were operating "circular saws and the machine that makes hamburger meat"—during school hours, no less!—you'd think it would have triggered whatever the WHD's version of DEFCON 3 is. Instead, the tip languished in voicemail limbo. No investigation was opened; the call was never returned.

For Kim Bobo, executive director of Interfaith Worker Justice, none of this was surprising. Bobo, the author of *Wage Theft in America: Why Millions of Working Americans Are Not Getting Paid—And What We Can Do About It*, is one of the nation's leading crusaders against labor law violations. Her testimony before the House Committee on Education and Labor, in July, helped prompt committee chair George Miller to commission further GAO study, the results of which were released March 25 at a follow-up hearing. The report, Bobo said, "confirmed everything my folks around the country have been saying the last few years, and people looked at us like we were nuts."

The problems reveal a bureaucracy crippled by eight years of malign neglect and insidious, termitic decay. Former Labor Secretary Elaine Chao may go down as the most anti-labor secretary in that department's history, and she was the only member of the Bush cabinet to serve all eight years. Her tenure took its toll. "You had a group of people who simply didn't believe in the Department of Labor's mission in charge of the department," says Alex Bastani, a twenty-two-year veteran of the Bureau of Labor Statistics who is president of the American Federal Government Employees union local at the department. For instance: Glenn Spencer, the man leading the Chamber of Commerce's efforts against the Employee Free Choice Act, was Chao's acting chief of staff. "A lot of good people were fighting back against this," says Bastani, "and a lot of them simply had to retire because they couldn't take it anymore.… Morale is very low."

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Noted.

TAX TIME: Just in time for April 15, the folks at the **Institute for Policy Studies** have released a report that documents the stunning generation-long reversal of progressive tax policies and offers seven concrete proposals for restoring basic fairness to the IRS's methods—and hundreds of billions in lost revenue to the Treasury. Their report, **Tax Day 2009**, notes that America's most affluent 1 percent—taxpayers who averaged $1.3 million in income in 2006—saw a federal income tax rate of 22.8 percent. In 1986 that same cohort averaged $507,520 in inflation-adjusted income and paid 33.1 percent of it in taxes. Over the past twenty years, this elite 1 percent saw their share of the nation's income double, from 11.3 percent to 22.1 percent, but their tax burden shrank by about one-third.

A look back at 1955 reveals an even starker transfer of wealth and responsibility. In 1955 the richest 400 reported an average of $12.3 million in income (in 2006 dollars) and paid 51.2 percent of it in taxes; in 2006 the top 400 averaged $263.3 million in income and paid a mere 17.2 percent of it in tax. In other words, the wealthiest 400 saw their incomes multiply by about a factor of twenty over the past fifty years but now pay taxes at a rate three times lower. If the IRS taxed the wealthiest 400 at the rate it did when **Dwight Eisenhower** was in the White House, the Treasury would collect $35.9 billion more.

Expand this pool to include those who make more than $2 million—about 139,000 taxpayers—and the boon to the government's cash flow becomes formidable. In 1955 those who made more than $2 million (in 2006 dollars) were taxed at just over 49 percent; by 2006 their tax rate had fallen to just 23.2 percent. Restoring 1955's tax rate would generate an additional $202 billion in revenue, or about 25 percent of President **Barack Obama**'s stimulus package.

In addition to taxing the wealthiest Americans at a higher rate—50 percent for those who make over $2 million—the institute's report includes six other proposals: reversing **George W. Bush**'s tax cuts for the wealthy, a small tax on financial transactions like stock sales, eliminating tax preferences for capital gains and dividends, instituting a progressive estate tax, ending overseas tax havens and closing loopholes on huge executive-compensation packages.

Total increase to federal revenue: $450 billion. Having a fair tax system: priceless.

THE RAINBOW PUSHER: **Merle Hansen**, who died on March 27, taught farmers to be progressives, and he taught progressives to fight for farmers. Arguing that the same forces of economic injustice that were shuttering factories in the nation's cities were forcing farmers off the land, Hansen convinced the **Rev. Jesse Jackson** to take his 1984 presidential campaign to the countryside and to paint rural Americans into the **Rainbow Coalition**. When Jackson's almost 500 delegates—including a contingent of rural activists—arrived at the 1984 Democratic National Convention, Hansen seconded his candidate's nomination with a reed-voiced expression of prairie populism the likes of which had not been heard since the passing of **William Jennings Bryan**.

It was a natural connection; a Nebraskan like Bryan, Hansen came of age among veterans of the Populist movement who forged the Farmers Holiday movement of the 1930s. Inspired by the success of organized farmers, Hansen embarked on a lifetime of activism, first as a backer of former Secretary of Agriculture **Henry Wallace**, then as an organizer for the National Farmers Union and, during the hard times in the 1970s and '80s, with the proudly militant American Agriculture Movement and the North American Farm Alliance. Hansen's commitment to building coalitions that crossed lines of race and region took him to Africa and Central America, where he forged alliances opposing globalization, which favored agribusiness rather than farmers and consumers. His legacy lives on in the work of the **National Family Farm Coalition** and the **Nebraska Farmers Union**, led by his son John.

JOHN NICHOLS

WEDDING SHOWERS: On April 3, when the **Iowa Supreme Court** unanimously struck down a law banning same-sex marriage, Republican Congressman **Steve King** warned that his state would become a "gay marriage Mecca." He needn't have worried. Just four days later, the Vermont Legislature passed a bill legalizing gay marriage, overriding Republican Governor **Jim Douglas**'s veto, thanks in part to a timely switch by Democratic Representative **Jeff Young**, who had originally voted against the measure. That same day, the **Washington, DC, City Council** voted 12–0 to recognize same-sex marriages performed in other states.

With April's queer quake, the list of states that recognize same-sex marriages—what began in 2004 as a club of one, Massachusetts—now includes not just Vermont and Iowa but also Connecticut. New York, like DC, recognizes gay marriages from other states, and legislation there to legalize gay marriage outright has gained serious traction. California, which saw a flurry of gay nuptials last year, eagerly awaits its Supreme Court's final word on the legality of Prop 8, the ballot initiative that ended the Golden State's brief experiment with gay marriage; most gay activists predict a loss. But still, other victories loom on the horizon: New Jersey, Rhode Island, Maine, Minnesota and New Hampshire (where a same-sex marriage bill has already made it past the House) may soon join the gay team.

But what comes next? After these campaigns, the road for gay marriage advocates becomes much steeper. That's because they'll have to overturn twenty-six state constitutional amendments against same-sex marriage, support for which runs highest in the Deep South. According to stat-man **Nate Silver**, who correlated support for gay marriage bans with variables like church attendance and the presence of white evangelicals, states like Oklahoma, Alabama, Tennessee and Mississippi may not overturn their bans until 2024. Some gay activists are already analogizing this situation to the free state/slave state split—a melodramatic comparison, for sure, but one bolstered by an increasingly bifurcated geography of gay marriage laws. And looming over this schism is the question of federalism—will the US Supreme Court require same-sex marriages performed in one state to be recognized by all the states? It won't take a Civil War to find out, just a long, expensive culture war.

RICHARD KIM

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So are resources. In 1941, when the WHD was overseeing compliance for 15.5 million eligible workers, it employed nearly 1,800 full-time investigators and undertook almost 50,000 investigations. By 2007, WHD oversaw 130 million workers but had only 750 investigators, less than half the number it had had sixty years earlier. The number of workers per investigator has grown twentyfold, and there are only half as many investigations.

This is a recipe for rampant lawlessness because, as Bobo writes, "ethical employers are placed at a competitive disadvantage by employers who steal wages from workers." By one estimate, employers steal $19 billion just in unpaid overtime every year. And among undocumented day laborers—the population most vulnerable to intimidation—wage theft is ubiquitous, Bobo says. The problem has grown to "epidemic proportions."

A palpable sense that investigators feel overwhelmed shows up in the transcripts of the GAO probe. After fielding a complaint from a fictional receptionist who hadn't received his last paycheck, and subsequently being rebuffed by the (fictional) employer, who pled penury, an exasperated and overworked WHD investigator told the complainant, almost apologetically: "I explained the law to her. She knows that she needs to pay you. It's just that she's saying she doesn't have the money to. I can't wring blood from a stone. I'm bound by the laws I'm able to enforce, the money the Congress gives us and all of that lovely stuff. If you are having a problem with what our office is capable of achieving, based on the laws that were written, then you need to write your Congressman. OK, do you know who your Congressmen are? I mean, we can use all the help we can get."

Some help appears to be on the way. "To those who have for too long abused workers, put them in harm's way, denied them fair pay," new Labor Secretary Hilda Solis said at her swearing-in ceremony, "let me be clear: there is a new sheriff in town." The agency has already authorized the hiring of 250 more Wage and Hour investigators (with 100 funded by the recovery act and tasked with monitoring compliance on recovery-related projects). For the department's solicitor, the top enforcement position, Obama has nominated Patricia Smith, who served as commissioner of the New York State Labor Department. There she won plaudits for a variety of innovative enforcement initiatives, including partnerships with nonprofits and an anonymous, crime-fighters-style hot line.

But remaking the Labor Department is just part of the larger challenge the Obama administration faces, which is restoring the efficacy and competence of a federal workforce beaten down by mismanagement, outsourcing and contempt from its putative leaders. Despite decades of conservative invective about the existential incompetence of bureaucracies, they are not destined to be ineffectual backwaters. Recent data released by the Office of Personnel Management show a massive degree of variability in the performance of agencies within the government, with the Nuclear Regulatory Commission and the National Science Foundation ranking at the top and the Broadcasting Board of Governors and Transportation Department at the bottom. (The Labor Department is in the lower half, but not at the bottom—which is, um, disturbing.)

These rankings aren't static. Under President George H.W. Bush, FEMA was a basket case, botching the response to Hurricane Andrew and characterized in one Congressional report as "a political dumping ground, a turkey farm, if you will, where large numbers of positions exist that can be conveniently and quietly filled by political appointment." In 1993 Clinton elevated FEMA to cabinet status and appointed James Lee Witt to head it. Under Witt, FEMA experienced what is widely acknowledged as one of the most remarkable turnarounds in recent memory.

We all know what happened after Witt left. Like cities, effective bureaucracies take a very long time to build but can be destroyed rather quickly.

CHRISTOPHER HAYES

Calvin Trillin, Deadline Poet

Rush Limbaugh Threatens to Leave New York City if the State Raises Taxes on People Making More Than $500,000 a Year

The Bronx will find itself in tears
And Queens will be bereft.
The joy will drain from Broadway
When Rush has finally left.

The worst hit will be Brooklyn.
"The future's an abyss,"
The Flatbush people will lament.
"The Dodgers first. Now this!"

Dennis Ross's Iran Plan

COMMENT

When Dennis Ross, a hawkish, pro-Israel adviser to Barack Obama's presidential campaign, was elevated in February to the post of special adviser on "the Gulf and Southwest Asia"—i.e., Iran—Ross's critics hoped that his influence would be marginal. After all, unlike special envoys George Mitchell (Israel-Palestine) and Richard Holbrooke (Afghanistan-Pakistan), whose appointments were announced with fanfare, Ross's appointment was long delayed and then announced quietly, at night, in a press release.

But diplomats and Middle East watchers hoping Ross would be sidelined are wrong. He is building an empire at the State Department: hiring staff and, with his legendary flair for bureaucratic wrangling, cementing liaisons with a wide range of US officials. The Iran portfolio is his, says an insider. "Everything we've seen indicates that Ross has completely taken over the issue," says a key Iran specialist. "He's acting as if he's the guy. Wherever you

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go at State, they tell you, 'You've gotta go through Dennis.'"

It's paradoxical that Obama, who made opening a dialogue with Iran into a crucial plank in his campaign, would hand the Iran file to Ross. Since taking office, Obama has taken a number of important steps to open lines to Iran, including a remarkable holiday greeting by video in which the president spoke directly to "the leaders of the Islamic Republic of Iran," adding, "We seek engagement that is honest and grounded in mutual respect." He invited Iran to attend an international conference on Afghanistan, where a top Iranian diplomat shook hands with Holbrooke; he's allowing American diplomats to engage their Iranian counterparts; and he's reportedly planning to dispatch a letter directly to Iran's leader, Ayatollah Ali Khamenei. Yet Ross, like his neoconservative co-thinkers, is explicitly skeptical about the usefulness of diplomacy with Iran.

Widely viewed as a cog in the machine of Israel's Washington lobby, Ross was not likely to be welcomed in Tehran—and he wasn't. Iran's state radio described his appointment as "an apparent contradiction" with Obama's "announced policy to bring change in United States foreign policy." Kazem Jalali, a hardline member of the Iranian parliament's national security committee, joked that it "would have been so much better to pick Ariel Sharon or Ehud Olmert as special envoy to Iran." More seriously, a former White House official says that Ross has told colleagues that he believes the United States will ultimately have no choice but to attack Iran in response to its nuclear program.

Not quite a neoconservative himself, Ross has palled around with neocons for most of his career. In the 1970s and '80s he worked alongside Paul Wolfowitz at the Defense and State Departments, and with Andrew Marshall, a neoconservative strategist who leads the Pentagon's Office of Net Assessments. In 1985 Ross helped launch the Washington Institute for Near East Policy (WINEP), the Israel lobby's leading think tank.

From the late 1980s through 2000, Ross served as point man on Arab-Israeli issues for George H.W. Bush and Bill Clinton, acquiring a reputation as a highly skilled diplomat, albeit one with a pronounced pro-Israel tilt. He led the US side at the July 2000 Camp David summit, but he was deeply mistrusted by Palestinian leader Yasir Arafat, and the feeling was mutual. At a crucial moment in the negotiations, Ross threw a tantrum, hurling a briefing book into a table full of juice and fruit. Not surprisingly, when Arafat rejected the Israelis' less-than-generous offer, Ross heaped blame on the Palestinians for scuttling the talks, the failure of which led directly to Ariel Sharon's rise to power and the second intifada. Daniel Kurtzer, an Orthodox Jew who served as US ambassador to Israel and Egypt and who was one of Obama's top Middle East advisers last year, co-wrote a book in which he explained, "The perception always was that Dennis started from the Israeli bottom line, that he listened to what Israel wanted and then tried to sell it to the Arabs."

From 2001 until his appointment in February, Ross was at WINEP, where he helped to oversee a series of reports designed to ring alarm bells about Iran's nuclear research and to support closer US-Israeli ties in response. Last summer, while advising Obama, he co-chaired a task force that produced a paper titled "Strengthening the Partnership: How to Deepen U.S.-Israel Cooperation on the Iranian Nuclear Challenge." That report opted for an alarmist view of Iran's nuclear program and proposed that the next president set up a formal US-Israeli mechanism for coordinating policy toward Iran (including any future need for "preventive military action"). Along with Holbrooke, Ross also helped found United Against Nuclear Iran, a group established to publicize warnings about Iran to the American public and the media. UANI's advisory board includes former CIA director James Woolsey and Fouad Ajami, perhaps the top Middle East expert for the neoconservative movement.

In September, Ross served as a key member of another task force organized by the Bipartisan Policy Center. The group assembled a flock of hawks under the leadership of Michael Makovsky, brother of WINEP's David Makovsky, who served in the Office of the Secretary of Defense in the heyday of the Pentagon neocons from 2002 to 2006. Its report, "Meeting the Challenge: U.S. Policy Toward Iranian Nuclear Development"—written by Michael Rubin, a neoconservative hardliner at the American Enterprise Institute—read like a declaration of war.

The core of the Bipartisan Policy Center report predicted that diplomacy with Iran is likely to fail. Anticipating failure, Ross and his colleagues recommended "prepositioning military assets" by the United States—i.e., a military buildup—coupled with a US "show of force" in the Gulf. This would be followed almost immediately by a blockade of Iranian gasoline imports and oil exports, meant to paralyze Iran's economy, followed by what they call, not so euphemistically, "kinetic action."

That "kinetic action"—a US assault on Iran—should, in fact, be massive, suggested the Ross-Rubin task force. It should hit dozens of sites alleged to be part of Iran's nuclear research program, along with other targets, including Iranian air defense sites, Revolutionary Guard facilities, much of Iran's military-industrial complex, communications systems, munitions storage facilities, airfields and naval facilities. Eventually, the report concluded, the United States would also have to attack Iran's ground forces, electric power plants and electrical grids, bridges and "manufacturing plants, including steel, autos, buses, etc."

Like virtually all of his neoconservative confreres, Ross does not argue that negotiations with Iran should not proceed. Surrendering to the inevitability of a US-Iran dialogue, they insist instead that any such talks proceed according to a strict time limit, measured in weeks or, at most, a few months. In November, Iran specialist Patrick Clawson, Ross's colleague at WINEP, described any US-Iran dialogue that might emerge as mere theater. "What we've got to do is…show the world that we're doing a heck of a lot to try and engage the Iranians," he said. "Our principal target with these offers [to Iran] is not Iran. Our principal target with these offers is, in fact, American public opinion [and] world public opinion." Once that's done, he implied, the United States would have to take out its big stick.

The reality, however, is that negotiations between Iran and the United States might take many, many months, perhaps years. Putting US-Iran diplomacy on a short fuse, as Ross and his colleagues want to do, guarantees its failure, setting the stage for harsher sanctions, embargoes and the "kinetic action" that Ross has suggested might follow.

ROBERT DREYFUSS

Robert Dreyfuss is a Nation *contributing writer.*

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Ten Things.

This monthly feature was conceived by writer and Nation *editorial board member Walter Mosley as a do-it-yourself opinion and action device. "Ten Things" offers recommendations for accomplishing a desired political or social end, sometimes highlighting unknown issues. The online version includes links to websites, books and other resources. Readers who have ideas to propose should e-mail us at NationTenThings@gmail.com.*

Ten Things You Can Do To Oppose the War in Afghanistan

The war in Afghanistan is a quagmire bordering on a catastrophe. With a current price tag of $2 billion a month, this drawn-out conflict took the lives of 155 American soldiers and 2,118 Afghan civilians last year—the bloodiest year of the war to date. Western airstrikes alone killed 522 civilians, fueling hostility toward the United States and causing more Afghans to join and support the Taliban insurgency that has spread into Pakistan. President Obama has escalated our military presence by committing an additional 17,000 US troops and 4,000 trainers to work with Afghan security forces. Where is the public outcry? *The Nation* and Z.P. Heller, editorial director of Brave New Films, have put together a list of things you can do to oppose the war.

1 Watch parts one and two of Brave New Foundation's documentary *Rethink Afghanistan* (rethinkafghanistan.com), which explores many fundamental questions.

2 Read up on the war. Anand Gopal's coverage for the *Christian Science Monitor* has been insightful (anandgopal.com); see also Ann Jones's *Kabul in Winter* and articles like Gilles Dorronsoro's "Focus and Exit: An Alternative Strategy for the Afghan War" (go to carnegieendowment.org and search "Focus and Exit"). And read Robert Dreyfuss on TheNation.com.

3 Check out the coalition of bloggers and activists seeking nonmilitary alternatives to escalation at Get Afghanistan Right (getafghanistanright.com).

4 Demand Congressional oversight hearings. It is Congress's duty to challenge policy-makers and inform the public about everything from the overall mission to the efficiency of military agencies. Go to rethinkafghanistan.com and sign a petition calling on Senator John Kerry and Representative Howard Berman to hold hearings immediately.

5 What question would you ask at a Congressional hearing on Afghanistan? Take a video of yourself or a friend asking your question and e-mail it to Brave New Foundation (videos@bravenewfoundation.org) via YouTube. For help on recording and uploading your video, watch the Quick Capture instructions (search "How to Use Quick Capture" on YouTube.com) and then go to rethinkafghanistan.com/submitvideo.php.

6 Contact your senators and representative directly to demand Congressional oversight hearings. If you can't visit their offices, a phone call or e-mail to voice your opinion can be just as effective.

7 Write to your local paper's editorial board and your favorite political blogs to raise concerns about the war. Don't let the mainstream media remain silent as they did before the Iraq War!

8 Support anti-escalation Afghan groups working for women's rights and social justice. You can aid organizations like the Afghan Women's Mission (afghanwomensmission.org) and the Revolutionary Association of the Women of Afghanistan (rawa.org) by buying them equipment that helps them document and spread the news about their efforts. Go to rawa.org/help.htm and click on the Amazon.com "wish list." Stay updated with the Afghan Women's Mission newswire (afghanwomensmission.org/breaking_news) and MADRE (madre.org).

9 Join the Campus Antiwar Network (campusantiwar.net) and hold teach-ins, debates, talks, demonstrations and walkouts on college campuses across the country.

10 Get involved in the peace movement with groups like Win Without War (winwithoutwarus.org) and Peace Action West (peaceactionwest.org/witness), which are devoted to finding nonviolent alternatives to military escalation in Afghanistan. Follow Peace Action West on Twitter, by going to twitter.com/afghanwitness.

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with research by Rae Gomes

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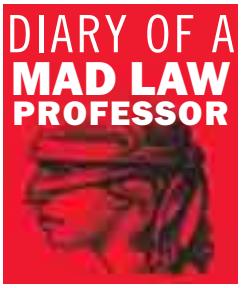
Patricia J. Williams

Mrs. Obama Meets Mrs. Windsor

In 1985, Deborah Gray White published her now-classic little book, *Ar'n't I a Woman?* This gem of historical research examines the archetypes by which slave women in the plantation South were confined—the brazen, sexualized Jezebel; the domineering, emasculating Sapphire; the dependable, selflessly neutered mammy; and the perpetually loveless, suicide-inclined, tragic mulatta. These tropes haunt black women still: from the adventures of Flavor Flav and Strom Thurmond to the depictions from Don Imus and the minstrelsy of Tyler Perry.

It's not easy living on the receiving end of this unhappy iconicity. That's why so many minority women are so smitten by the work that Michelle Obama performs, if at a purely symbolic level. She defies the boxes into which black (as well as many Latina, Asian and white) women have been caged; she expands the force field of feminism in ecumenical and unsettling ways. I appreciate that there are those who feel that Michelle Obama has been "mom-ified" by the media. But given the centuries during which black women have been relentlessly taxonomized as mammy rather than mom, many black and brown women find this phenomenon paradoxically, even sweetly transgressive.



In some ways it's an echo of the cultural tension within the "women's lib" movement of the 1960s and '70s: relatively privileged white women wanted to be liberated into the workplace; relatively exhausted and exploited black women wanted to be liberated *from* it. It's a tension that's still recognizable to some degree, if only as parallel reactionary forces. If Hillary Clinton was dogged by accusations that she was too much the aggressive career woman, Michelle Obama is now besieged with criticism that she's not nearly careerist enough.

I don't wish to romanticize either the "pricelessness" of domesticity or the econometrics of the workplace. My point is this: what's frequently missing from the discussion of black women is their role as loving mothers, beloved wives, valued partners, cherished daughters, cousins, relatives. Lord deliver us from the best of our few so-called role models: hard-working, hard-edged disciplinarians, the ultimate iron-willed church ladies. Where, for heaven's sake, is a picture of black femininity (in particular, that of darker-skinned, nontragic femininity) that might signify beauty, chic, elegance, vulnerability, sophistication?

And so Michelle Obama represents a more comprehensive identity for all women, but particularly for black women. Even when she's just holding court at the head of the White House dinner table, she is a "black woman" performing a "white lady" role—a picture that still causes cultural confusion and anxiety. But Obama is at no risk of being sidelined as perpetual hostess; hers is a well-rounded life, one of multiple roles and layered humanity. She is powerful yet approachable, highly educated yet colloquial, bare-armed but modest, playful but consummately civilized.

If we do not always appreciate this at home, consider how she reflects upon our collective image abroad—and I do not mean whether her wardrobe competes with Carla Bruni-Sarkozy's. She projects a powerfully modern image to conservative constituencies around the globe, whether in the Muslim world; or in Israel, where ultra-Orthodox newspapers recently airbrushed out all the women from a photo of Netanyahu's new cabinet; or in China, where male children are so fetishized that each year thousands of boys are kidnapped and sold.

Then there's Michelle Obama's physical embrace of the queen of England. It may be hard for Americans to fully understand the symbolic significance of that encounter, to comprehend the extent to which traditional class hierarchies are reinforced throughout the United Kingdom by a thousand little rituals of deference and yearning. Here's an example: for many years, an elderly British friend would send me a very nice plum pudding, always purchased from the high-end London grocer Fortnum & Mason. I didn't realize the entire significance of the gesture until another British friend told me that this was the very gift the queen sent to favored subjects. One year, my Christmas pudding suddenly came from Tesco—the Piggly Wiggly of the United Kingdom. Whatever had I done to fall in my friend's esteem?

It turns out that this was after Princess Diana had been killed. The queen had been roundly criticized for being out of touch with the common people, so the palace tried to reach out to her staff by sending plum pudding from Tesco. My dear friend, a true and loyal subject, had followed suit.

This raises a further question: why did the queen feel the need for such downscaling in the wake of Diana's death? "The princess touched people," friends told me, meaning that she literally used her hands to touch people, hugging AIDS victims and pulling starving Nigerian babies onto her lap. Royals "don't do" that, and Diana was adored for her willingness to break this taboo.

The queen is old school, however. So when Michelle Obama casually put her arm around the royal shoulders, the act risked being the order of misfortune that ensued when George W. Bush massaged Angela Merkel's neck. Instead, the palace quickly issued an uncharacteristically warm pronouncement that no protocol had been breached. What was truly remarkable, however, was that the queen, for the first time in her public career, had reached out her frail, white-gloved, little-old-lady hand, the one heretofore used only for waving, and encircled Michelle Obama's waist. For many throughout the British Commonwealth, particularly in South Asia, the Caribbean and Africa, this was a mime of egalitarianism, an unexpected kabuki theater of respect and mutual regard. Michelle Obama had somehow pulled off a superlatively graceful transgression—a symbolically charged moment of the kind that quietly turns a bit of the old world upside down, yet leaves us smiling at the new world glimpsed beyond. ■

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Eric Alterman

Lose the 'Business'; Save the News?

The *New York Times* is losing millions and threatening to close the *Boston Globe*. The *Washington Post* is living off the profits of its sister business, an educational testing-prep company. Chicago's two newspapers are in Chapter 11, together with the *Los Angeles Times*. The *San Francisco Chronicle* may disappear entirely. These are in America's largest, most sophisticated cities. If they cannot support a profitable newspaper, then no place can.

The crisis has been a long time coming. I recall sitting in Ben Bradlee's office nearly twenty years ago and listening to the legendary editor bemoan the fact that it was all but impossible to get young people to pick up a copy of the paper. And that was before we had ever heard of the Internet, much less Craigslist. Twenty years is a long time to watch your business model die. To believe in the notion that, in the midst of the cost-cutting mania that is sweeping the business, we are likely to stumble onto a new source of profit sufficient to sustain the size of the news gathering and dissemination operations we've enjoyed in the past is akin to placing one's faith in divine intervention.

What is missing is neither the need for newspapers nor the desire for the services they provide. Rather, it's a way to make money from them. Remember, readership is rising. The *New York Times* enjoys many times as many regular readers on the web as it ever did in print. But the genuinely important parts of the paper—the stuff that caused our country's founders to write the First Amendment and that helped reveal the crimes of Lyndon Johnson, Richard Nixon, Ronald Reagan, George W. Bush, etc.—happen to be those that are most costly and least profitable. If we rely strictly on the market to sustain them, we will forgo our society's most important source of independent information and accountability. "Oh, to be a state or local official in America, [without newspapers]," *The Wire* impresario David Simon recently mused to the *Guardian*. "To gambol freely across the wastelands of an American city, as a local politician! It's got to be one of the great dreams in the history of American corruption."

Some are sanguine about this possibility. Michael Kinsley writes, "You are saying that people should get this information whether or not they want it. That's an unattractive argument: shoving information down people's throats in the name of democracy." Well, yes, I'm saying it. Newspapers have traditionally provided a healthy helping of "pudding" to go with the "spinach" a democracy needs, and it remains a decidedly open question whether our political system can survive, much less thrive, on pudding alone.

Since direct government subsidies remain anathema to both the likely subsidized and the subsidizers, the obvious answer would be for newspaper owners to spin off their properties and turn them into nonprofit institutions. This would be a body blow to the self-image of newspaper owners and editors, as nonprofit status would deprive them of one their favorite activities: editorial endorsements. Nothing makes the juices inside a newspaper flow like a meeting in its boardroom with a presidential or senatorial candidate paying tribute to their collective wisdom and power. And nothing exercises an editorial staff like a good fight over who, or what, is going to get its endorsement.

Thing is, nobody cares. Once upon a time, when newspapers were the sole source of detailed information about almost everything and really could be said to represent the communities they served, this particular kabuki dance may have made some sense. Today, however, with so few people subscribing to their local papers and so many sources of information available, the editorial endorsement has become a near total anachronism. (That goes for magazines like this one as well.) The journalism scholar Kathleen Hall Jamieson studied the question and in 2004 told *American Journalism Review*'s Tim Porter, "The direct effect of editorials does not appear to be significant enough to find…." This was true, according to Jamieson as well as many others Porter interviewed, regarding regional elections where most voters had never heard of the candidates. "Many Americans in 1996 had no idea which presidential candidate their newspaper supported; many more had the wrong idea," Jamieson explained. "To judge from the responses, many people were guessing."

Newspaper editors and editorial writers tend to take refuge in arguments about furthering "conversation," forging "community" and speaking for the newspaper's most deeply held principles. This, too, is nonsense. As Will Bunch persuasively argued during last year's presidential election, given the fact that most newspapers endorsed either Hillary Clinton or Barack Obama in the Democratic primary and John McCain in the Republican contest, they cannot really be said to hold any principles terribly deeply, since these candidates held diametrically opposed views on everything, from the invasion of Iraq, to abortion rights, school vouchers, assault weapons, universal healthcare and so on. What endorsements do, however, is convince readers that the news they receive is being colored by bias expressed on its editorial pages. The notion that these two are separate and unrelated to each other has, by and large, yet to penetrate the public mind beyond journalism classes. The net result, in the real world, is that newspapers often bend over backward to please conservatives, in order to demonstrate that their Democratic-leaning endorsements do not color their coverage.

Senator Benjamin L. Cardin recently introduced the Newspaper Revitalization Act to facilitate exactly this transition. It would allow advertising and subscription revenues to become tax-exempt, and would make donations to support coverage or operations tax-deductible. Sad to say, but it may be our last, best chance… ■

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FIGHTING FOR OUR HEALTH

Can Washington summon the will to cut costs, raise revenues and cover the uninsured?

by J. LESTER FEDER

Two security guards in dark suits towered over Mary Carol Jennings, a spiky-haired medical student wearing a white doctor's coat, as she and some fifty others tried to enter DC's Ritz-Carlton Hotel one morning in early March. The contingent included representatives of the AFL-CIO, MoveOn and the Campaign for America's Future. Jennings was flanked by two members of the National Nurses Organizing Committee who held a giant certificate for the head of America's Health Insurance Plans, the trade group meeting inside the hotel.

"We hereby present Karen Ignagni, CEO [of] AHIP, with this award for Best Protector of Health Insurance Industry Profits at the Expense of Our Health," read the mock certificate, which they decided to leave on her car after being denied entrance to the Ritz. "We are confident that Karen Ignagni will continue to protect profits while paying lip service to 'health care reform.'"

This showdown was organized by a nine-month-old coalition known as Health Care for America Now, which claims more than 850 affiliate organizations. Having learned from the mistakes made by reformers in 1993 and '94, HCAN is launching an early assault on the organization that led the crusade against President Clinton's proposal. According to HCAN spokeswoman Jacki Schechner, "There was no organization on the left" during the Clinton fight, a time when insurers "talked nice about reform until it got down to the nitty-gritty" details of the plan.

"What we expect [from AHIP] is that there's going to be a lot of yes up front and a lot of no behind the scenes," she says. "We know [what] we're seeing this time around is a coordinated effort to say we're not going to buy it—this is not to be left in the hands of DC lobbyists and special interests anymore."

Though AHIP is publicly espousing cooperation—Ignagni told President Obama at a March 5 healthcare summit that "You have our commitment to play, to contribute and to help pass healthcare reform this year"—the group has already staked out its opposition to one of the planks of the president's proposal that progressives regard as most essential: giving the American people the choice of a public insurance plan alongside a range of private ones. Iowa Senator Chuck Grassley, the ranking Republican member of the Finance Committee, who also claims to be seeking a bipartisan compromise, has joined AHIP in drawing this line in the sand. HCAN has responded to Grassley's statements by broadcasting television ads in his state featuring a Des Moines nurse endorsing the choice of a public plan.

The public plan is important to many on the left as a fallback from the single-payer system many would prefer. But in practical terms, the public plan may be a crucial cost-containment measure—if it can run more efficiently than private plans, it can force costs down across the system through competition. So the debate over this provision is part of a much more fundamental question: can Washington summon the will to squeeze savings from insurers and providers and raise the revenues needed to cover the uninsured?

A showdown over the public plan looms when Congressional committees begin writing healthcare reform legislation this summer, but the funding fight that may determine the outcome of the reform effort began in March when Congress started working on the budget. HCAN and some other reform advocates say they are "comfortable" with the healthcare provisions in the budget resolutions just passed by the House and Senate, but these are not as favorable to healthcare reform as they might have hoped. Both chambers rejected President Obama's plan to set aside $634 billion as a "down payment" on his healthcare reform proposal—an amount that would have

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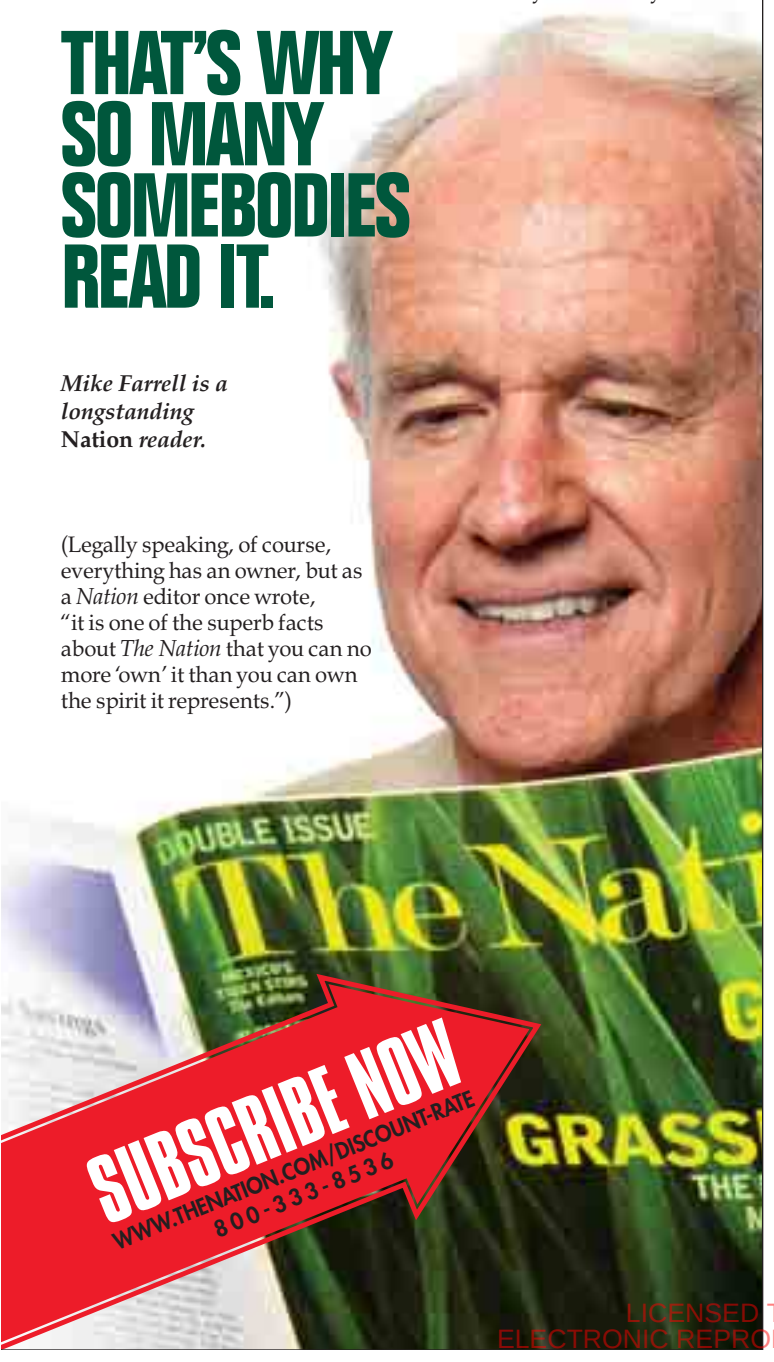

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covered only about half the plan's expected cost—refusing to commit any dollar amount to healthcare reform. When Congress takes up reform legislation, advocates will not only be fighting to pass a bill that restructures the healthcare industry; they will also have to persuade legislators to raise more than $1 trillion with a single vote.

If Congress cannot come up with the money, it is clear who will pay for the shortfall: the people who must give up care because they cannot afford it. As HCAN director Richard Kirsch told me last month, to get truly universal coverage, "we've got to be sure there's enough money."

HCAN organized a "grassroots army" to greet members of Congress who returned home for the April recess, planning ninety-six events in forty-four states, which organizers expected to turn out 15,000 to 20,000 people nationwide. Residents of Pennsylvania and New Jersey are showing their unity by rallying on a bridge that connects their states; in Colorado something called a "move-a-thon" is scheduled; and more than a dozen town-hall meetings are planned in rural states like Arkansas and Montana. The organizers' top priority is to ensure that a final budget, which Congress will vote on after the recess, retains a provision of the House version that would prevent healthcare reform legislation from being blocked by a Senate filibuster. This would not only protect it from Republican opposition but also from fiscally conservative Democrats who might balk at its large price tag.

"It's fair to say that our entire effort is informed by what went wrong last time" a president tried health reform, says Kirsch. One lesson HCAN learned was not to advance a particular plan—many groups in the '90s broke with President Clinton to promote a single-payer proposal—but instead to drive a debate around the principles of choice, affordability and universality, that can shape legislation as it moves forward. HCAN has the advantage of being far better financed than the activists going up against health-industry lobbyists during the Clinton effort, with perhaps ten times the operating budget of the labor-backed coalition of the '90s. It has been building an activist network and hiring organizers for more than a year.

Obama has studied the failures of the Clinton effort, which downplayed the need for additional funding, and is tackling the money problem upfront. James Mongan, a former Senate Finance Committee staffer and Carter administration official who now heads a Boston hospital network, thinks this is a wise idea. "I think Obama's done exactly the right thing by showing he's willing to put money on the table," he explains. "In my own experience in about forty years of working on this…the sticking point has always been the financing."

Strictly speaking, the question is not whether we can afford to cover all Americans, even with a darkening economic forecast. We already spend far more per person on healthcare than comparable countries, which cover more people and get better results than we do. But one payer's savings are anoth-

J. Lester Feder is a freelance journalist. He is a regular contributor to Columbia Journalism Review*'s Campaign Desk and is working on a book about evangelical environmentalism.*

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er provider's profits, and one patient's subsidies are another person's taxes. So Representative Pete Stark of California, the Democrat who chairs the House Ways and Means subcommittee on health, says, "how we structure [financing] is mostly a political question—not an economic one."

Health industry interests, employers and taxpayers are all going to have to make painful concessions to raise the needed $1 trillion. When holding hearings on healthcare reform, Stark says, "If anybody in the room is smiling, you keep going. And when everybody's frowning, that's when you drop the gavel because you know you have the right mix" of concessions.

Insurers have AHIP to represent their interests; drug companies have the Pharmaceutical Research and Manufacturers of America (PhRMA). Doctors have the American Medical Association; hospitals have the American Hospital Association. Big businesses have the Chamber of Commerce; small businesses have the National Federation of Independent Businesses (NFIB). Unions speak for the workers most likely to have insurance. Blue Dog Democrats will yap for those who dislike federal spending, and the Republican Caucus will growl at tax increases. But there has been no organized, well-financed lobbying apparatus for the almost 50 million uninsured and the millions more who may unexpectedly discover they have no coverage when they need it.

That, says Gerald Shea of the AFL-CIO, is why HCAN is so important. Most of the organized interests are professing a desire for reform. Shea takes them at their word, because even the healthcare industry is feeling the strain of a collapsing system. (Ironically, Shea took a job at the AFL-CIO held by Karen Ignagni before she joined the insurers in 1993, and he says, "I think Karen genuinely supports reform out of personal conviction and out of institutional reasons.") But the cost of change is so big that he doubts these groups can stomach what's required.

"My biggest fear is that people won't be able to make the amount of change we need to really make a difference," says Shea. "The question is not whether they want change, because I think they genuinely do. The question is whether they've got the spine to provide leadership for big change. Because unless we have big change, we'll wind up with something, but we'll continue to be eaten alive by the costs and we'll continue to see coverage just go down the chute."

How big is the change Shea's talking about? So big that it is impossible to describe with a word of only three letters. That's a shame, because the numbers involved here have so many zeros that they're next to impossible for regular people to understand. But the only way to understand the politics of healthcare is to follow the money, so bear with me.

The scale of the healthcare industry is so vast that it makes the $1 trillion or more in additional spending likely required by the president's proposal over the next ten years seem small. If trends continue, total healthcare spending in that window could equal thirty-seven times that amount. Healthcare spending already accounts for more than 15 percent of GDP, and cost growth has priced almost 50 million Americans out of insurance and is forcing businesses to drop coverage at alarming rates. If nothing is done, economists predict, our healthcare bills will double again by 2020 and we'll have more than 60 million uninsured.

Because we only think about insurers when they're raising our premiums or denying benefits, it's tempting to believe we could fix this problem simply by seizing unnecessary profits from greedy companies. Insurance companies may be greedy, and the tenfold rise in their profits over the past five years may be obscene when millions of Americans have lost their insurance. But the profits of the top seven for-profit insurance companies are equal to less than 1 percent of annual healthcare spending. Even if we eliminated insurance companies altogether and recouped some of the administrative costs, which can consume as much as 30 percent of some policies, we still would need additional money to fix our problems.

The biggest savings—an estimated $700 billion a year, or one in every three healthcare dollars—can be captured only by revolutionizing the way medicine is practiced. This money is going to treatments that have not been shown to make patients better and in some cases make them worse. One study of seniors in the Medicare program suggests that patients receive appropriate care only about half the time. A study by the RAND Corporation found that doctors perform surgeries in which the risks outweigh the benefits to their patients, as often as one-third of the time in the case of a particular heart procedure.

Obama has studied the failure of the Clinton effort, which downplayed the need for funding, and is tackling the money problem upfront.

Even if everyone can agree that we should pay for care that actually works, changing the way medicine is practiced is no easy matter. This can partly be achieved by investing in health information technology and research into what treatments work best, so that doctors have the tools to make better decisions. (The stimulus package provided additional funding to move in this direction.) Drug and medical device manufacturers won't like this, because it means they will have to demonstrate that newer, more expensive products outperform older, cheaper ones. Since doctors and hospitals consume more than 50 percent of healthcare dollars, we are going to have to make difficult changes to the way they are paid if we really want to make better use of our health spending. Today providers are reimbursed by the volume of services they give to patients, not whether their treatments are making their patients better. They are not going to be happy if they think changing this will cut their paychecks, and they can rally support from patients by scaring them with threats of "government rationing."

This is one area in which the public plan is most helpful. A government-run health insurance plan will have the ability to aggressively restructure how providers are paid. If it operates more efficiently, private insurers will be forced to trim costs in order to compete. In the absence of a public plan, however, a

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more complicated alternative might be to drive a change in reimbursements through the largest existing federal program, Medicare, while using regulation to guarantee coverage to hard-to-insure patients in private plans.

Though it is theoretically possible to expand coverage just by reallocating existing healthcare dollars, engineering such a reallocation would be so disruptive that many believe it is politically impossible. (This is largely what the Clinton plan tried to do, and we know how that went.) Instead, a plan like the one outlined by the Obama administration combines some cost-saving measures with a call to raise additional revenue. This new spending would cover the upfront costs of making the system more efficient and subsidize coverage for the uninsured and those whose coverage does not fully meet their needs.

Raising revenue is always a major challenge, as the president was reminded when even some Democratic Congressional committee chairs balked at his budget proposal to raise money by capping the tax deductions of the wealthiest Americans. Some, like Senate Finance Committee chair Max Baucus, would prefer to impose a tax on the healthcare benefits employers now give employees tax-free. But large businesses, which offer insurance at a far higher rate than small ones, hate this idea, and unions also oppose it, because they regard these benefits as hard-won wages. Unions like the idea of paying for health insurance by mandating that businesses offer benefits or contribute to a government fund to help employees buy insurance on their own. But Dan Danner, president of the NFIB, the small-business group, calls an employer mandate a "lightning rod" that would trigger his group's opposition. AHIP, which has been working closely with NFIB, is officially agnostic on an employer mandate but heavily favors requiring everyone to have coverage (as Massachusetts has done), a proposition that works only if premiums are adequately subsidized to make coverage truly affordable.

HCAN has no easy task in cutting through this thicket of interests, Representative Stark warns: "There are a lot of guerrillas in that jungle."

Surveying a meeting of these guerrillas—I mean, stakeholders—at the White House healthcare reform summit, Senator Ted Kennedy expressed hope that a new spirit of cooperation will make possible the reforms that have eluded him for forty years. Pledges of cooperation were made that day not only by AHIP but also PhRMA, the NFIB and the Chamber of Commerce. "It'd be hard to think of those interests being together and…demonstrating the kind of commitment as we have today," Kennedy told the gathering. "This time we will not fail."

Kennedy's office has been arranging confidential meetings of these groups for months to try to reach a compromise package. But the AFL-CIO's Shea, who attended the White House summit and whose organization is participating in the Kennedy discussion group, thinks such an approach will lead to the death of healthcare reform by a thousand cuts: "Having gone through a number of these processes fifteen years ago, we think this is bullshit. There is no way to get agreement that way."

That is why HCAN was rallying in front of AHIP's Ritz-Carlton policy forum just a few days later. The path to reform, Shea says, is not bipartisan compromise but the same one that led to Medicare and the Civil Rights Act: for the president to use his electoral mandate to press for the big change that's needed, and for a better-organized, better-funded progressive coalition to help force Congress to pay for it. ■

Healthcare Lifeboats

Washington should reconsider launching a national plan based on the Massachusetts model.

by DAVID U. HIMMELSTEIN AND STEFFIE WOOLHANDLER

Massachusetts's 2006 healthcare reform plan, often cited as a model for the nation, is sailing through choppy waters. Governor Deval Patrick is keeping it afloat by throwing away the lifeboats: public hospitals and clinics. Freighted with tax-funded windfalls that brought private insurers and hospitals on board, the reform has proved far more expensive than politicians forecast—costing the state $1.3 billion this fiscal year, according to the state's report to its bondholders.

LLOYD MILLER

Yet despite the threat of a $1,068 fine for being uninsured, hundreds of thousands remain uncovered in Massachusetts, and the number of uninsured patients showing up at hospitals and clinics has fallen by only one-third. Moreover, according to surveys one in five state residents (including many with insurance) cannot afford care, and those directly affected by the reform are more likely to say it has hurt than helped them.

High costs and skimpy coverage are in the reform's DNA; private insurers drafted its blueprint, cementing their dominant role. As a result, the plan forfeited the savings on bureaucracy that a single-payer plan could realize—an estimated $7.8 billion annually in Massachusetts alone. The public-plan option that Massachusetts's reform offers to the near-poor hasn't trimmed

David U. Himmelstein and Steffie Woolhandler, primary-care doctors in Cambridge, Massachusetts, teach at Harvard Medical School. They co-founded Physicians for a National Health Program.

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bureaucracy—a warning that this option, pushed as a compromise at the federal level by erstwhile single-payer supporters, would yield scant savings. Indeed, Massachusetts's reform has actually increased bureaucratic costs; the new insurance exchange (similar to that touted by President Obama and Senate Finance Committee chair Max Baucus) has added 4 percent to insurers' already high overhead. Promised savings through prevention, care management and computerization (also mainstays of Obama's plan) haven't materialized. Consequently, much of the new coverage has come with unaffordable out-of-pocket costs. And cost overruns have drained state funding for care of those who remain uninsured.

Now comes a recession, drying up jobs and private coverage, along with the tax revenues needed to subsidize coverage for the newly uninsured. Facing a yawning budget deficit and desperate to stay the course on the 2006 reform plan, Patrick has slashed funding to safety-net providers such as Cambridge Health Alliance (CHA) and Boston Medical Center (BMC) (né Cambridge City and Boston City Hospitals). (Disclosure: we practice at CHA and teach at Massachusetts General Hospital.)

At CHA—a Harvard affiliate that operates three public hospitals, twenty-one community clinics and more psychiatric beds than all of Boston's big teaching hospitals combined—the cuts will shutter one hospital, six clinics, the area's only inpatient detox unit and nearly half of the psychiatric wards. Even before these closures, suicidal patients often spent days in ERs awaiting a bed.

These cuts follow a national pattern of responding to fiscal crises by defunding hospitals that care for the poor. Chicago's Cook County healthcare system recently suffered massive cuts, including half of its outpatient clinic doctors. Now women with abnormal Pap smears can't get follow-up appointments, and mammograms aren't available. In Los Angeles, the only hospital serving a huge area of the central city shut its doors; LA's surviving public hospitals and clinics face a $750 million shortfall.

In Detroit (which, like Philadelphia, has already lost its only public hospital), private hospitals are fleeing the inner city for greener (as in money) suburban pastures. That city once had forty-two hospitals; now it's down to four. Atlanta's public hospital came within a hair's-breadth of closing and still faces huge deficits. New Orleans's Charity Hospital—for 250 years the sole provider for a wide swath of Louisiana's poor—hasn't reopened since Hurricane Katrina. And the public hospital in Galveston, Texas (which provided specialized care to indigent patients from all over the state) stopped accepting the uninsured in the wake of Hurricane Ike. New York's public hospital system has been whittled away for years, and a new round of budget cuts is on the horizon.

While safety-net hospitals are withering, private ones have thrived. Hospitals nationwide showed record profits in 2007—the most recent year for which data are available. Governor Patrick's deficit reduction plan will barely touch Massachusetts General, which ran a surplus of $354 million that year.

Safety-net providers aren't in trouble because they're inefficient. In fact, CHA is about 20 percent cheaper than Boston's big teaching hospitals, and it scores as high on quality measures. The same is true in other cities, where endangered public hospitals

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consistently cost less than their prosperous private counterparts.

Public hospitals are in the red because they provide vital care that others won't. CHA cares for one-third of the uninsured chronically mentally ill in Massachusetts—a group whose complex care brings low payments. While CHA does relatively little elective (read "profitable") surgery, it delivers more emergency and primary (read "money-losing") care than famous Boston hospitals like Massachusetts General, Brigham and Women's, and Beth Israel Deaconess.

The pernicious market signals in medical care don't reflect consumer preferences or invisible hands; they arise largely from government policy. Taxpayers foot the bill for at least 60 percent of hospital expenses—at both public and private institutions. Indeed, the average American with private insurance draws a government subsidy twice that given to the uninsured. In Massachusetts, little-known provisions of the reform bill cut payments for primary and mental healthcare while boosting fees for already lucrative specialty care and already overbuilt high-tech facilities. Today, Blue Cross pays Massachusetts General $838 for a chest CT scan but offers safety-net BMC only $418. Like an auto industry hooked on high-margin SUVs, a medical system with a surplus of high-tech gadgetry and a deficit of appropriate technology (e.g., primary care) is unsustainable.

A sustainable alternative requires healthcare planning based on needs rather than profitability, as well as the jettisoning of private insurers and their bloated bureaucracy. Unfortunately, Governor Patrick seems disinclined to face down powerful and prosperous insurers and hospitals. With healthcare costs threatening to swamp reform, his only other option is to throw overboard the institutions that care for the poor.

Massachusetts offered the optimal conditions for reform: abundant medical resources, low rates of uninsurance and liberal state funding for free care. The governor's dilemma should serve as a warning to the rest of the nation. The Massachusetts model may rest on impeccable political logic, but it's economic and medical nonsense. ■

Behind the Abortion Color Line

Reducing unintended pregnancies is an urgent priority for African-Americans.

by SHERYL McCARTHY

DaShaya Craig is a 29-year-old Chicago mother of three who has had three abortions.

The first time, she had stopped taking birth control pills because they made her sick, and her boyfriend didn't always use condoms.

The second time, she'd been wearing a patch, which she later learned is less effective if the user weighs more than 198 pounds. Her patch also had a tendency to fall off.

She had her third abortion after she stopped using birth control "because I had tried them all"—the pill, the patch, shots—and they either made her sick, didn't work or, in the case of the injections, caused highly unpleasant side effects.

Although concerns over the economy have pushed the debate over abortion to the back burner, whether President Barack Obama lives up to his campaign promise to do everything possible to reduce the unintended pregnancies that make women consider having abortions seems even more crucial now, given some recent statistics.

A report released this past fall by the Guttmacher Institute, a research group that supports abortion rights, found that African-American women have abortions at a rate five times that of non-Hispanic white women and three times that of Hispanic women. While abortion rates have been declining for all women, nonwhite women have had a higher rate of abortions since the procedure was legalized in the 1970s. But the disparity between white and nonwhite women began widening in the 1980s.

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The statistics appear to defy the strong antiabortion messages that have been emanating from the black community for years. Black churches teach that abortion is a sin, tantamount to murder, and that a woman who gets pregnant has a moral responsibility to bear any child that results from unprotected sex. A more political message that has been kicking around since the civil rights movement of the 1960s argues that abor-

Sheryl McCarthy is Distinguished Lecturer in Journalism at Queens College of the City University of New York. A former Newsday *columnist, she's also a member of* USA Today*'s board of contributors.*

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tion is genocide and that for a black woman to have one only plays into the hands of a larger racial conspiracy to reduce the black population.

That black women seem to be disregarding these messages shows that they consider abortion to be a personal decision and that, like many Catholic women, they are refusing to let anyone else make such an important decision for them. What's obvious is that until there's more equity in medical care and contraceptive services, as well as more financial and emotional support for black women, they will continue to have abortions at a high rate.

Former Surgeon General Joycelyn Elders, who became controversial for speaking frankly about such issues, thinks the country should stop obsessing about abortion, stop trying to legislate morals and instead focus on promoting sexual health and preventing unplanned pregnancies. "There's never been a woman who needed an abortion who was not already pregnant," she says, framing the issue in simple terms.

"Sometimes we think black women are struggling with this whole [abortion] issue, but maybe not for the reasons we think they are," says Gaylon Alcaraz, executive director of the Chicago Abortion Fund, a private group that pays for abortions for women who can't afford them. Last year 72.6 percent of her clients were black, 6 percent were Hispanic and 14.9 percent were white.

The lack of healthcare, job security and stable partners, and the desire not to increase the burden on their families all contribute to black women's decisions to have abortions, even though they might otherwise want to have the child. And a lot of them get pregnant while taking some form of birth control, Alcaraz says.

According to the Guttmacher Institute, African-American women have three times the rate of unintended pregnancies of white women. Fifteen percent of black women who are at risk of unintended pregnancies—who are sexually active, fertile and don't wish to become pregnant—don't use contraception, compared with 9 percent of white women; and when they do, the contraceptive failure rate is twice as high.

Interviews with advocates for black women's health and with black women who have had abortions reveal that many black women struggle to find an appropriate method of contraception and to use it successfully.

When I asked DaShaya Craig, for example, if anyone had ever recommended that she try an IUD—a highly effective form of birth control that has relatively few side effects and lasts for years once inserted—she said she didn't know anyone who had one.

"It's an issue of education," she said. "A lot of black women don't have health insurance, and they're on Medicaid. They may go to a gynecologist but see a different one every time. They don't have a person to ask about the different methods. From my experience using a Medicaid card and going to a hospital clinic, every time I went, there would be somebody different."

Alcaraz says many of the women who have come to her organization for help with abortions experienced similar frustrations with reproductive services. They described being poorly informed about how to use birth control pills, getting pregnant even when they took them (presumably because they took them improperly), experiencing bad side effects from birth control injections (which Alcaraz says are often prescribed to clients at public health clinics) and, in some cases, feeling an emotional resistance to using any of the methods available.

In 2007, 18 percent of black women were uninsured, according to US Census data, compared with 12.9 percent of white women, and given the current economic downturn those numbers may be higher now. Practically every one of the eleven black women I spoke to—seven of whom are advocates for black women's reproductive healthcare, and seven of whom have had abortions—cited additional barriers to black women's receiving adequate family planning services, including the need to travel long distances to get to public health clinics; the long wait to see a doctor when they have competing job and childcare responsibilities; and the lack of regular gynecologists to monitor their contraceptive choices and needs.

Until there's more equity in medical care and contraceptive services, black women will continue to have abortions at a high rate.

I'm convinced that in addition to having less insurance and receiving fewer consistent reproductive services than other women, another factor contributes to the high rate of unintended pregnancies among black women: the relentless message from black churches that says extramarital sex is sinful, and the refusal to encourage couples to plan their sexual lives carefully.

"There's a taboo within the black community, especially within the religious community, regarding talking about healthy sex and sexuality," says Loretta Ross, national coordinator of Sistersong, an association of reproductive health organizations for women of color. She describes "a perfect storm of lack of contraceptive information, lack of safe spaces to talk about sexual activity and a lot of unwanted pregnancies."

The available research on abstinence-only education for teenagers has shown it has no impact on preventing young people from having sex, and that it has a discouraging effect on contraceptive use when they do. According to a 2006 Guttmacher study, premarital sex is nearly universal among Americans. But people are less likely to plan for behavior they've been taught is wrong. Black religious and other leaders need to create a role that empowers couples to be thoughtful in managing their sexual lives instead of instilling guilt about sex. One black women's health advocate suggests using beauty shops—a mainstay in the lives of many black women—as places to disseminate information and dispel myths about sex and contraception.

In a statement issued on the thirty-sixth anniversary of the

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Roe v. Wade decision, in January, President Obama renewed his campaign promise to support abortion rights, but also to work to find ways to expand access to affordable contraception, accurate health information and preventive services.

In his proposed budget, the president asked Congress to approve the Medicaid Family Planning Option, which would allow states to increase the number of low-income women eligible for family planning services under Medicaid without the burdensome Medicaid waiver process. The measure was struck from the president's economic stimulus package when Republicans threatened to hold up the bill. But Congress should make sure it's part of the budget. According to the Planned Parenthood Federation of America, it would provide coverage to 2.3 million women by 2014.

The Obama administration also needs to improve family planning services at public clinics so that doctors are not prescribing the patch to women who are clearly over the weight limit, pushing injectable contraception when the results are often dreadful and prescribing pill dosages that make women sick. The government also needs to stop spending millions on abstinence-only programs, which have proved ineffective, and to fund serious school-based sex education that focuses not only on biology lessons but on teaching young people how to manage relationships.

Obama's nomination of Kathleen Sebelius as secretary of Health and Human Services is encouraging because of her efforts to expand health coverage in her native Kansas.

Whatever the administration does to expand medical coverage to more Americans will help women who don't receive medical insurance through their employers, who are out of work and who aren't poor enough to quality for Medicaid.

Even if we accomplish all of the above, however, there will still be unintended pregnancies. And as long as black women, for a host of reasons, feel unable to care for additional children in their current circumstances, they will continue to see abortion as an alternative. ■

Casualties of Care

The privatization of veterans' healthcare limits the government's ability to honor those who serve.

by TARA McKELVEY

The regional office of the Department of Veterans Affairs in Louisville, Kentucky, has a metal detector at the entrance and a sheet of paper taped on the door that says, 100% I.D. Check. No Exceptions. Two floors higher in the same building is Humana Veterans Healthcare Services. The front door is decorated with stenciled glass, and people meet in a conference room with phrases like Increase Utilization written on a dry-erase board. These two offices represent vastly different cultures: one is corporate and clean, smelling of fresh paint; the other is battered and scruffy-looking, funded by taxpayer dollars. Yet despite the difference in style and approach, both offices are working together on Project HERO, an ambitious "public-private partnership" that allows Humana staffers to help "manage the quality and cost of health care" provided through the federal agency.

Project HERO, which stands for Healthcare Effectiveness Through Resource Optimization—"an attempt at a catchy acronym," says Gary Baker, chief business officer of the VA's Veterans Health Administration—was launched quietly in 2007. According to its critics, the $915 million program represents a major shift in priorities for the VA, a vast expansion of private-sector involvement that could threaten the agency's ability to honor veterans with top-notch service. But VA officials say it is not designed to hand veterans' healthcare over to Humana. Project HERO, they argue, is simply an effort to help the strapped federal agency run more smoothly.

LLOYD MILLER

The VA is a mammoth organization, serving 7.9 million men and women across the country. There are 153 VA medical centers, where patients have surgery and are treated for serious illness; 755 community-based outpatient clinics; and 232 counseling centers, which provide assistance to soldiers readjusting to life after wartime. Yet despite the outlay of resources and facilities, there are some services the agency cannot provide, particularly in rural areas. In order to avoid

Tara McKelvey, a senior editor at The American Prospect, *is writing a book on American soldiers returning home from war.* *Research support was provided by the Puffin Foundation Investigative Fund of The Nation Institute.*

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About Your Professor

Professor Luke Timothy Johnson is Robert W. Woodruff Professor of New Testament and Christian Origins at Emory University's Candler School of Theology. He holds an M.Div. in Theology and an M.A. in Religious Studies. His Ph.D. is in New Testament Studies from Yale University. A former Benedictine monk, he has written more than 20 books. He has twice received the prestigious On Eagle's Wings Excellence in Teaching Award from Emory University.

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delays, veterans may visit a private healthcare provider in a "fee basis" program that allows them to receive care outside the VA system. The veteran makes an appointment with a private physician or diagnostician, and the VA pays for the visit. The fee-basis system is limited in scope, a small piece of a massive, full-service organization. In 2007, according to Baker, it represented $2.5 billion of the $33 billion in veterans' healthcare costs.

Under Project HERO, private physicians and specialists are unified in a network put together by Humana employees, complete with a concierge service in which receptionists help veterans make medical appointments. Humana makes sure the physicians and healthcare providers send medical information back to the VA so that patients' records are stored within the system. Employees also ensure that the medical care is safe and reliable. The descriptions of Project HERO, as well as the geographic territory it encompasses, establish it as a prototype for a realignment of the VA.

The implementation of such a comprehensive, far-reaching effort to fill a relatively small service gap within the agency seems unnecessary, even harmful, to critics of the program. Many veterans are worried that the government is not going to keep its promise to watch out for them. They have a sense of uneasiness about what Project HERO means for the future of the VA, and they are wondering, as one of them tells me, whether government officials are getting ready to pull out of the business of helping veterans.

Thirty percent of all veterans enrolled with the VA are covered by Project HERO, a program that vastly expands Humana's role in vets' care.

Despite the seedy look of the Veterans Affairs office in Louisville, the agency provides outstanding medical care. Many veterans suffer from battlefield wounds such as spinal cord injuries, blindness and other kinds of injuries that require months and years of therapy, and the VA consistently meets their needs. In 2006 Harvard's Kennedy School of Government gave the VA an Innovations in Government award. "Why are veterans hospitals better than other hospitals?" asks *Slate*'s Timothy Noah in a foreword to *Best Care Anywhere*, a book by Phillip Longman. "Because they're better able to focus on the long term."

If the VA has an excellent history of medical care for vets, then why not simply fund it at the levels it requires? The reasons are partly ideological, but they are also about private lobbying efforts aimed at easy profits. The Bush-era privatization of government services marked the culmination of a generation-long effort, begun during the Reagan years, to minimize the role of the federal agencies. The Iraq War, which created a tremendous demand for goods and services, consequently created a windfall for private war contractors like Halliburton and Lockheed Martin. Healthcare companies are making money too. IAP Worldwide Services (Al Neffgen, formerly of Halliburton, headed the company) was awarded a five-year, $120 million contract for support services at Walter Reed Army Medical Center in 2006.

The scandal over atrocious conditions at Walter Reed broke in February 2007, prompting a discussion over the government's responsibility to the men and women who serve in war. "Did an ideological push for privatization put the care of our wounded heroes at risk?" asked Congressman John Tierney at a March 2007 House Committee on Oversight and Government Reform hearing on Walter Reed. He cited a September 2006 memo that garrison commander Peter Garibaldi had written to Maj. Gen. George Weightman, former head of Walter Reed, about the contract work. The memo, said Tierney, shows that "the Army's decision to privatize was causing an exodus of, and I quote, 'highly skilled and experienced personnel from Walter Reed' and that there was a fear that patient care services are at risk."

Men like Garibaldi argued that privatization seemed to lessen the quality of services that soldiers and marines received at places like Walter Reed. But that was not the only problem with the outsourcing of services. Enlisting the private sector in government work may have cost taxpayers more money—not less. Outsourcing the work at Walter Reed chipped away at the foundations of the military hospital—and it did not seem to make things any cheaper for the government. When it came to contracting, the price (at least for taxpayers) seemed to be beside the point. "Project HERO had a hope that it would save money," says the VA's Baker. "But it is not an absolute requirement." There is faith in the type of governing that incorporates the private sector into the public realm, and one could say the decision to fix the problems at Veterans Affairs by opening the door to the private sector has been a triumph of hope over experience.

As it turns out, the origins of Project HERO come from suggestions made by people who are now among its harshest critics: veterans' advocates. In 2005 a group of advocates started to complain about the way VA employees were handling the relatively small number of patients who were seeing private providers. The medical care was uneven, said the advocates, and the providers sometimes failed to send the patients' medical information back to the VA so that the records could be stored in the agency's database. The system needed to be improved, they told Congress.

VA staffers were beset at the time by a budgetary crisis and were trying to meet the needs of an increasing number of wounded warriors. Yet administration officials and Republican leaders on Capitol Hill were clear about their views: they did not want the VA to have a bigger budget. In January 2005 Chris Smith, a Republican Congressman from New Jersey, was removed from his position as chair of the House Veterans Affairs Committee, apparently because he was trying to get more money for the agency. "He pushed hard and drew a great deal of anger from Republican leadership because he refused to back

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down," one of his former staff members, Loretta Charbonneau, who had served as regional director in New Jersey, tells me. "The result is that he lost his seat."

Republicans at the state and county levels were disappointed. Doug LeValley, who represents the National Association of County Veterans Service Officers and is based in Springfield, Ohio, says he had been impressed with Smith and felt frustrated over the way Smith was treated on Capitol Hill. "Veterans' issues are not Republican or Democratic. It's what's right and what's wrong," LeValley tells me. Yet, he says, "politics seems to play a role."

"Smith was probably one of our strongest veterans' advocates in Congress," says Joseph Violante, national legislative director of Disabled American Veterans. (Violante, a Vietnam veteran, worked as a staff attorney for the VA from 1985 to 1990.) "Chairman Smith fought for that additional funding level, and that put him at odds with his leadership," including House Speaker Dennis Hastert and House majority leader Tom DeLay.

The changes in leadership on the committee, as well as the Bush administration priorities with regard to privatization, had profound implications for the agency. Smith was replaced by Hastert's friend Steve Buyer, a Republican from Indiana. Buyer was seen as someone who would stand up to, rather than defend, the veterans' community. "Republicans believe in a smaller government, and it looked like that was where he [Buyer] was trying to go," Violante explains.

Buyer was soon railing against the agency. At a June 2005 House Veterans Affairs Committee hearing on veterans' healthcare, for example, he said that VA officials had mishandled their budget predictions. "We have to think and be more like a business," he told *The American Legion Magazine* in February 2006. He wanted the VA to "tap into the great minds in the private sector and utilize the best business practices." But that wasn't so easy. "I have the bureaucracy in VA fighting my efforts to bring these efficiencies," he explained. Meanwhile, staffers in Buyer's office were hearing from healthcare lobbyists, many of whom had clients with a keen interest in the outsourcing of government work.

From 1998 to 2004, Humana spent more than $4 million on lobbying efforts. In 2004 alone, not long before plans for Project HERO got under way, it spent $360,000 on lobbying. In 1998 the company hired Greenberg Traurig, the Washington firm where Jack Abramoff worked, and gave small amounts of money to key members of Congress. (In 2005, for example, Humana Inc. PAC gave Buyer $1,000.) The Greenberg Traurig staff was connected. One lobbyist working on the Humana account was Nancy Taylor, a former senior aide to Senator Orrin Hatch. Another was Michael Bromberg of Capitol Health Group, who was included in a March 2003 article in *The Hill* about the top twenty lobbyists in Washington; he was described as "the cream of the crop," one of DC's "top power brokers."

Members of the Republican-led Congress jumped on the issue and crafted a proposal to farm out a significant amount of administrative work to the private sector. The announcement of the program was easy to miss: it appeared as a 152-word section in a conference report accompanying the Military Quality of Life and Veterans Affairs Appropriations Act of 2006. In February 2007 Humana established a new unit, Humana Veterans, and hired a former VA deputy assistant secretary, Alonzo Poteet, to head it up. There were seven competitive bids, according to Baker, and Humana Veterans Healthcare Services was awarded the contract in October 2007.

At first there was little opposition to Project HERO from veterans' groups—who, after all, had inadvertently created the situation by pointing out the flaws in the VA's fee-based system. But once Buyer and his colleagues started working on the prototype for the program, veterans' advocates seemed to be shut out of the process. They grew frustrated when they saw that the issues they had raised were being "manipulated to allow large-scale privatization of VA services," writes Tom Zampieri, director of government relations for the Blinded Veterans Association, in the Summer 2006 issue of *The BVA Bulletin*. Randy Pleva, national president of Paralyzed Veterans of America, told the Senate Committee on Veterans Affairs in early March 2006, "Contract care is not more cost-effective or cost-efficient than care provided by the VA, and we certainly do not believe that the VA will find the same level of high-quality care in the private sector."

Enlisting the private sector lowers the quality of the services veterans receive and may cost taxpayers more money—not less.

Another issue of concern to veterans' advocates: over the past several years, government reports reveal a pattern of mismanagement in procurement and oversight of private-sector contracts through Veterans Affairs. "Their effectiveness is questionable," Jon Wooditch, a deputy inspector general for the VA, told a House veterans' affairs subcommittee on oversight and investigations in February 2008. There are numerous examples of contracts gone wrong, including a $248 million contract for Dell computers that was "not necessary or in the best interest of the V.A.," according to a June 2008 report. An April 2006 report shows that a company based in Mundelein, Illinois, sold faulty sterilizing devices to VA hospitals. These devices, which had not been approved by the FDA, may have led to "catastrophic eye injuries" in eighteen patients.

Despite some disastrous results, VA officials have largely set aside concerns about the flaws within the contracting system and have forged ahead with the program's expansion. Poteet, the 59-year-old chief executive officer of Humana Veterans, has long been out of the Army, but he still carries himself like a gunship pilot (he served in Vietnam in 1970 and 1972). "Vets' organizations may believe it's a slippery slope of doing away with the VA," he says of Project HERO. But, he assures, putting his hand on his heart, "this is not about taking over the VA healthcare facility."

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One thing is certain, though: the program is big. Thirty percent of all veterans enrolled with the VA are now covered by Project HERO, national program manager Greg Eslinger told WCCO-TV, a Minneapolis station, in February. "There was a good representation of both dense and rural populations, and that was a matter of intent," explains Baker. "Clearly, it's a demonstration project, and if it turned out to be successful, the VA would evaluate that and decide whether to expand it."

Most everybody thinks the Obama administration is on the right track when it comes to veterans' issues. Obama has proposed an 11 percent increase in the agency's budget, raising it to $56 billion, an increase that would allow VA officials to hire 17,000 new employees. Nevertheless, a penchant for privatization could continue to affect the VA in the coming months and years.

On April 1 Hawaii Democrat Daniel Akaka, chair of the Senate Veterans' Affairs Committee, raised his concerns about outsourcing veterans' care during a nomination hearing for two VA secretaries. Akaka said that VA officials had apparently been using a lengthy and time-consuming process to evaluate candidates for the new staff positions "with the focus of potentially contracting these positions out."

Obama, too, seems willing to consider outsourcing veterans' care as a way to save money. He recently floated a plan, apparently recommended by the White House Office of Management and Budget, to bill private health insurers for the care of soldiers and marines who are injured in battle. In a rare display of solidarity, the major veterans' service organizations—ranging from traditional groups like the Veterans of Foreign Wars to new organizations like Iraq and Afghanistan Veterans of America—banded together to push back. In a meeting with Obama in the White House Roosevelt Room shortly after the program was announced, the BVA's Zampieri and others pointed out the various flaws in the program (many insurance companies do not cover airline crashes, for example). "He didn't want to hear if there were moral objections to this," said Zampieri. "He wanted to know how and why it wouldn't work."

Obama quickly abandoned the plan. But the possibility remains that he will heed the advice of budget-conscious advisers who may lose sight of the philosophical reasons the government has promised to care for the people it sends to the front lines—as well as the practical aspects of providing care for veterans.

Zampieri says that downsizing the VA would be a mistake. "If someone comes back and they've lost both legs and an arm, you don't say, 'Here's a Blue Cross and Blue Shield card,'" he tells me. "If they're broke when they come home, you own them for the next eighty years. Maybe it will make people realize there is a cost to war that goes beyond what the Pentagon spends on bullets and bombs." ■

A System From Hell

In my family, two medical crises have added up to financial disaster.

by KATE MICHELMAN

It was a crisp and brilliant autumn day last October when the medical and financial crises with which my family had successfully, if barely, coped for seven years became a catastrophe.

My husband had been diagnosed with Parkinson's disease in 2002, a year after our daughter was paralyzed in a horse-riding accident. His balance had deteriorated until he fell two or three times at home last summer. In the face of his diminishing physical condition, a single fall could result in disastrous injury. We scheduled an appointment with his neurologist in Washington.

LLOYD MILLER

We pulled up to the main entrance of the hospital after the two-hour drive from our home near Gettysburg, Pennsylvania. My husband opened his door, grabbed the roof of the car and began to pull himself out as I walked around to help him. I was too late. In an instant—time slowed enough for me to see the danger but raced ahead too fast for me to reach him—he lost his grip and fell to the concrete, shattering his hip, breaking his femur and causing internal bleeding that kept him in the hospital for months.

My husband is a retired college professor, and what the teaching profession lacks in salary it often makes up for with generous benefits. His health insurance would cover most of the emergency costs related to the fall—the surgeries, the hospitalization, the drugs. But in the astronomical sums the cost of medical care often entails, "most" is not a reassuring word. Months later, as his discharge from the hospital drew near, I sat in my living room looking at the bills piling up on the table. The co-pays, uncovered care and other costs had already reached $8,000, and we had virtually nothing left.

Seven years of caring for my husband and our daughter, who had no insurance at the time of her accident, had all but exhausted our savings. As my husband's condition deteriorated, I was caught in a trap. We needed my income, but the kind of political consulting work that was my forte was incompatible with the demands of caring for him. It was simply not possible

Kate Michelman was president of NARAL Pro-Choice America from 1985 to 2004. She is the author of With Liberty and Justice for All: A Life Spent Protecting the Right to Choose *(Penguin/Hudson Street Press, 2005).*

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for me to be available for him 24/7 and simultaneously to work overtime, traveling for days or weeks on the campaign trail, to bring in the income that would keep us afloat.

The fraying financial thread by which we were already hanging was now certain to snap. When I heard the awful sound of my husband's body hitting the concrete outside the hospital, I knew the modicum of independence to which he had clung for so long was gone. He was discharged into an assisted-living facility, where most of the cost was excluded from both his private long-term-care insurance and Medicare. At $9,000 a month, the bills accumulated quickly.

Recently, we decided to bring him home, although the doctors would have preferred that he stay at a facility with full-time supervision. But this was a mathematical decision, not a medical one: we do not have the money it costs to keep him there. I had already stopped working, to care for him; our savings are nearly depleted; and his pension is not nearly large enough to pay the bills.

Today he needs nearly round-the-clock professional help at home—less than the cost of the assisted-living facility but still far more than we have. I have spent recent weeks looking for a job that can add at least enough to my husband's pension and our Social Security benefits to cover the cost of his care. It is a dilemma familiar to so many women—finding work that can pay for care but also leave time for providing it.

The time is drawing near when, job or no job, the expenses will simply be more than we have. I am coming full circle, back to where so many women's lives begin and end—and where my career as an activist began: jobless, unsure how to pay the next month's bills, caring for a family that depends on me for survival—and utterly and deeply determined that something about our country must fundamentally change.

That was in 1969. My first husband had abruptly left my three young girls and me, stranding us without financial support. Our family was in crisis, and when I found out a few weeks later that I was pregnant too, I knew it was impossible to give a new baby—whose father had already deserted it—what it deserved while also giving my daughters what they needed. So in 1969 I made the difficult decision to have an abortion. Because state law radically restricted access to the procedure, that decision had humiliating consequences. I was forced to obtain permission both from the man who had abandoned my daughters and me and from an all-male hospital review board. The board's interrogation in a hospital conference room covered subjects like whether I was capable of dressing my children in the mornings and whether I had been satisfying my husband sexually.

That experience sparked a lifetime of activism that eventually took me to the front ranks of the prochoice movement, where I forged deep and lasting friendships with some of the most powerful political figures of the past thirty years.

Not many Republicans were among them. But there ought to have been more—because in a distant era fast receding in time, theirs was the party of moderation and individual rights, and also because, ironically enough, I have led precisely the life Republicans claim to value. I started as a single welfare mother, then worked my way through college en route to a successful career. My second husband and I have sustained a traditional and loving marriage for thirty-five years. He purchased quality health insurance, including long-term-care insurance, so he would not be a financial burden to others. He enjoyed a long and steady career at an institution that would pay healthcare costs and a modest pension for life. Between his salary and mine, we achieved a reasonable degree of economic comfort—never wealthy but independent, self-sufficient, responsible.

Then came our daughter's accident.

We got the call in 2001. She was pursuing her lifelong love of horses as a trainer in upstate New York. One day in May her horse got spooked, reared up and fell over backward on top of her, crushing three of her vertebrae and paralyzing her for life.

The weeks and months that followed included multiple surgeries, a long hospitalization and extensive rehab. The bills were exorbitant, to say nothing of the fact that our daughter probably would never again be able to support herself through full-time work.

I am coming full circle, back to where my activist career began: jobless, caring for my family and determined that our country must change.

When the bills came in, it never occurred to me that walking away from them was an option. I cashed in the IRA on which we were depending for retirement and paid them myself.

My husband's diagnosis followed just as our daughter was beginning to stabilize. Eventually I had to leave work to care for him, and our financial independence deteriorated on a parallel track with his health. The story is familiar: the medical crisis that becomes a financial one. Still, we were able to hold things together, moving from one crisis to the next but finding a way to get by.

That ended in October. We quickly learned that not even the most frugal planning is enough to cope with surging healthcare costs. The long-term-care insurance barely covers a fraction of his long-term care. I will care for him at home, but a time will come when even our home might be at risk: if he needs nursing home care, Medicaid will pay for it only after we have liquidated most of our assets. Consequently, a blessing—my husband could live like this for years to come—is also likely to bankrupt us.

I do not tell this story because it is unique. On the contrary, the point is precisely that countless people across the country are living it. And millions more are a crisis away from joining them—one lost job, a diagnosis, an accident. Most people do not have the luxury of being able to call, as I do, on powerful friends for help. Not even these friends, of course, can change the predicament my husband and I face. Nor will the situation change for anyone until political lead-

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ers get serious about comprehensive healthcare reform.

By "comprehensive," I mean that piecemeal approaches will not work—not economically, not morally. The healthcare crisis is not a series of isolated problems. The problem is not just the uninsured. It is not only the underinsured. It is not the young or the old. My husband had excellent health coverage; our daughter had none. He faces chronic illness in the twilight of life; she suffered a terrible injury just as her adult life was beginning. Between them, they span the complete spectrum of healthcare economics in America, but when crisis struck, they found themselves in the same place.

Our story also illustrates the unique challenges women face in the healthcare system, as in the economy at large. Women are paid less and given benefits less frequently—yet they are the ones on whom the responsibility of caretaking disproportionately falls. In addition, women disproportionately, but hardly exclusively, understand the perverse economic choices the healthcare system imposes. In my case, I had to quit working to care for my husband, only to arrive at a point at which he needs care I can afford only if I can find a job. The bills, meanwhile, are often inexplicable, sometimes contain mistakes and are always impossible to resolve without encountering a thicket of red tape.

Even on the other side of that thicket, the insurance companies cannot answer the most vexing question my husband and I—and so many others—ask: if "health insurance" does not pay for healthcare when people need it, then what exactly do those words mean? And all this says nothing about the fact that my husband had the foresight to purchase long-term-care coverage. The problem is that it nominally covers long-term care but does not cover its actual cost.

I am often told there is a shocking quality to our story—it prompts a realization that if this could happen to someone like me, it could happen to anyone. But of course there is little that ought to surprise us; political connections are bound to be of little avail in the face of a problem politics has refused to address.

If there is an upside to the country's healthcare crisis, it is that the problem is hurtling toward a point at which it absolutely cannot be ignored without immediate and disastrous consequences. If there is an upside for me, it is this: returning to those difficult days of poverty and fear in 1969 also means returning to a place where anger inspires activism. I was a young woman then, of course, with a lifetime of battles ahead. I am not so young now. But I have enough years left to have one more fight in me. Healthcare is it. ■

Exchange

(continued from page 2)

examination. Mudd either misremembered or misread the first passage she quotes, which concerned the pretrial hearing, the only venue where the admissibility of repressed memory was considered. There, bizarrely, the defense called on the prosecution's expert, who naturally affirmed the prosecution's position.

"Repression" has been taking a beating in the psychological profession for years (e.g., Harrison Pope et al.'s review of 120 studies of memory and trauma in 1999; Yacov Rofé's review of decades of studies, including those on memory, and disputatious theorizing on repression in the *Review of General Psychology* last year), so other names have gained favor. The prosecution's experts spoke of "dissociative traumatic amnesia," which they defined as "massive repression" and called "dissociation" for short. But "dissociation" also covers depersonalization and derealization, so it is no more precise than "repression."

By whatever name, the belief that the mind protects itself by blocking memories of repeated traumatic experience so that people are incapable of remembering anything at all until years later is unsupported by any neuroscientific evidence that serious researchers in the field have studied. That is why courts that have weighed the research and heard opposing expert testimony in evidentiary hearings have been rejecting cases that rely on repressed memory/dissociative amnesia since the late 1990s.

Many readers, firm in their belief in repressed memory, have written in angrily, and TheNation.com carries (in addition to the falsehood that Shanley was connected to NAMBLA or its predecessor) a post offering links to literature supposedly supporting their view. Indeed, there are many clinical reports of patients who claim traumatic amnesia, and of clinicians who make that diagnosis based on what patients tell them, sometimes under hypnosis. That is not the same as research. The diagnostic manual mentioned by Dr. Hopenwasser includes "dissociative amnesia" because of those clinical reports. As a dictionary of psychological diagnoses, it substantiates nothing about how the brain actually works. The current edition of the manual notes the controversy over repressed memory and cautions against its forensic use.

There is also a body of flawed research (without controls or error rates; with faulty methodology; with subjects who report abuse in infancy and therefore would not remember because of normal infantile amnesia; with subjects who suffered brain injury along with trauma; etc.), or flawed conclusions from studies. These have been scrupulously analyzed by Dr. Pope, recently in an affidavit in the Shanley case, which the Massachusetts Supreme Judicial Court obviously found compelling.

No one doubts that traumatic memories are haunting, but they have to be memories, and the signal event has to have been traumatic. People who were tortured may not remember every detail of their agony, but they cannot forget it. Children old enough to remember surviving the Nazi death camps or the trenches of the many My Lais may have gaps in memory and may have successfully managed not to think about the experience, but they were never incapable of thinking about it. In terms of the memory process, there is no reason the experience of sexual violence—as alleged in the Shanley case—should be different.

But sex is different, and forgettable, if it was not violent, not experienced as trauma, or even as sexual. Interested readers should see recent intriguing memory research by Richard McNally of Harvard and Elke Geraerts of the University of St. Andrews, in Britain, in the March issue of *Perspectives on Psychological Science*. Why people might define weird, nontraumatic experiences as trauma later in life has as much to do with culture as anything, and requires far more attention than can be given here.

JoAnn Wypijewski

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Books & the Arts.

The Hundred Days War

by THOMAS J. SUGRUE

During Barack Obama's first hundred days, history has provided pundits and politicians with a grab bag of analogies. Obama himself has invoked Abraham Lincoln and put him on a pedestal. I'm not speaking figuratively: a bust of the sixteenth president sits on the same plinth in the Oval Office where Obama's predecessor had displayed a sculpture of Winston Churchill. Obama has also cited Doris Kearns Goodwin's *Team of Rivals*, an analysis of Lincoln's complex relationships with leading members of his cabinet, as a model for his own style of presidential leadership. Journalists have compared the youth and idealism of Obama and his supporters to John F. Kennedy's Camelot, and fashionistas have twittered about the dashing Michelle being a latter-day Jackie (with sinewy biceps). Still others have suggested that Obama embodies Reagan's charisma while reclaiming Reaganesque paeans to national greatness for the Democrats. A few wags have tried to burst the bubble of hope by comparing Obama to Jimmy Carter, another Washington outsider and intellectual who promised sweeping change but whose mandate collapsed under the weight of recession, malaise and crisis in the Middle East.

Barack Lincoln. Barack H. Kennedy. Barack Carter. Barack Reagan. None have captured the imagination of editorialists, bloggers and journalists like Barack Delano Roosevelt. A recent *New Yorker* illustration portrayed the forty-fourth president chin up in the Rooseveltian fashion, exuberant and self-confident, a cigarette holder clenched in his teeth. In this version of history-as-analogy, Obama's fight against the "Great Recession" will restore a faith in government that has been wholly discredited by the disastrous policies of George W. Hoover. Obama's most fervent supporters hope that the president's stimulus package and ambitious budget will launch a "new New Deal" designed to restore confidence in the financial system, curb unemployment, revivify the housing market and rebuild America's decaying highways and schools. The Obama-Roosevelt analogy is compelling—until you remember that history does not repeat itself. It is not cyclical. And it seldom offers easy lessons for the present. Ultimately, the differences between FDR and BHO and their respective eras are as instructive as the similarities.

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Franklin Roosevelt signs the Social Security Act of 1935, flanked by Labor Secretary Frances Perkins and Congress members.

Each generation has drawn its own lessons from the New Deal. The first wave of New Deal histories were written by unabashed Democrats during the 1950s and early 1960s, when liberalism seemed invincible. The eminent historian and Washington courtier Arthur M. Schlesinger Jr. popularized the heroic interpretation of Roosevelt with a triple-decker history in which the New Deal represents the full flowering of an American political tradition of strong executive power and visionary leadership rooted in the Age of Jackson. FDR created the modern American state, offering a pragmatic, humane alternative to the radical individualism and anti-statism that had long hindered the fulfillment of the American promise of equality and opportunity.

By the 1960s, however, the New Deal was under siege from various quarters. Left-leaning scholars, alienated by liberalism's hubris, skeptical of military-industrial Keynesianism, outraged at the Vietnam War and inspired by radical insurgencies at home and abroad, argued that the New Deal was fundamentally conservative. FDR's cardinal sin was that he saved capitalism from itself rather than taking the opportunity to nationalize the financial system and redistribute wealth. He transformed the state into the servant of big business, letting corporate executives and financiers draft legislation that

Traitor to His Class
The Privileged Life and Radical Presidency of Franklin Delano Roosevelt.
By H.W. Brands.
Doubleday. 888 pp. $35.

Nothing to Fear
FDR's Inner Circle and the Hundred Days That Created Modern America.
By Adam Cohen.
Penguin. 372 pp. $29.95.

Thomas J. Sugrue, the Edmund J. and Louise W. Kahn Professor of History and Sociology at the University of Pennsylvania, is the author, most recently, of Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North *(Random House).*

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allowed them to consolidate power, while he co-opted radical social movements with symbolic gestures.

Conservatives rejoined with their own demonology of the New Deal. In a view that trickled down from the National Association of Manufacturers and the *National Review* and was distilled into the bitter libertarianism of Barry Goldwater and his followers, the New Deal was the epitome of collectivism, a dangerous repudiation of the founders' ethos of governmental restraint, budgetary parsimony and states' rights. Innovations like federal jobs programs and Social Security threatened personal liberty by turning citizens into dependents. More recently, in *The Forgotten Man*, Bloomberg financial columnist Amity Shlaes resurrects the Goldwaterite reading of the Roosevelt years, arguing that the New Deal sapped the vitality of the free market and—in her most hyperbolic moment—that "government intervention helped make the Depression Great" by dampening competition, over-regulating business and coddling the common man with make-work programs rather than unleashing his entrepreneurial spirit.

For the past forty years, however, most conservatives have reserved their criticism of the New Deal for corporate boardrooms and think-tank seminars. One reason for their silence was political pragmatism. The right had little to gain by publicly thrashing a president whose memory was held dear by the blue-collar whites whom Nixon, Reagan and the Bushes assiduously courted. The war on poverty, black power, the counterculture, feminism and the sexual revolution made for more convenient targets. But as Republicans fought the culture wars, conservative activists captured executive branch agencies and the federal courts, chipping away at welfare, Social Security and scores of federal regulations. The strange result was that while Ronald Reagan once claimed FDR as a personal hero, his wing of the Republican Party gutted liberalism.

The fragmentation of the New Deal coalition in the post-1960s years was mirrored in the increasingly fragmented scholarship on the New Deal. One group of liberal intellectuals—who took the conservative critique of identity politics seriously—called for a reinvigoration of a Rooseveltian spirit of civic nationalism as an alternative to both the libertarianism of the Reagan years and the divisive politics of the culture wars. For writers as diverse as Michael Tomasky and Richard Rorty, the New Deal was the triumph of class politics; it unified Americans across racial and ethnic lines in service to the common political and economic good. But their wistful view of a politics of unity was challenged by other scholars who contended that Roosevelt's signature programs, including the Social Security Act, the Agricultural Adjustment Administration, the Federal Housing Administration and the GI Bill, mostly excluded blacks, while New Deal welfare programs stigmatized the poor and disadvantaged women. Rooseveltian liberalism was above all constrained by the power of conservative Southern Democrats who used their clout to thwart social democracy. As political scientist Ira Katznelson memorably put it, the New Deal was the "strange marriage of Sweden and South Africa."

At the dawn of the Age of Obama, the heroic, liberal Roosevelt is back in fashion. The front tables at bookstores groan under the weight of massive biographies of the thirty-second president, among them jailed financier Conrad Black's surprisingly favorable *Franklin Delano Roosevelt: Champion of Freedom* and Jean Edward Smith's widely praised and magnificently written *FDR*. A new addition to the pile is another sprawling account, *Traitor to His Class*, by the prolific University of Texas historian H.W. Brands.

The prospect of plowing through another full-scale biography of Franklin Delano Roosevelt is daunting, especially when it offers few revealing or novel insights into FDR's life, his pre-presidential career, the New Deal and World War II. Predictable, yes, but *Traitor to His Class* is reliable and compulsively readable. Brands writes in the vein of FDR's earlier, liberal chroniclers: his is a mostly favorable account of Roosevelt's career, with an emphasis on the dramatic turning points in the Depression and war, and on the president's leadership style. But the Roosevelt who emerges from Brands's book is less a rebel against privilege than a humane and ultimately pragmatic politician, one whose bout with polio spurred him to greater sympathy with the downtrodden but who was scarcely a radical, despite his occasionally fiery antibusiness rhetoric. Like many elites, especially from his home state of New York (including many who enthusiastically joined the ranks of New Dealers), FDR combined a sense of noblesse oblige with a faith in the application of expertise to solve pressing social and economic problems.

Roosevelt may have dramatically expanded the size of the government and its public spending, but his programs were seldom as large in scale or as revolutionary as they first appeared to be. The New Deal did not centralize governmental power as its critics had feared it would; it left the administration of the most important relief efforts—unemployment insurance, old age assistance, aid to dependent children and job-creation programs (the Public Works Administration excepted)—in the hands of state and local officials who used federal funds as a form of local patronage and who often shunted aside politically marginal groups like African-Americans. Roosevelt's populist rhetoric was belied by his administration's close collaboration with big business. His Social Security Act was a two-tiered program that provided generous benefits for the elderly but was penurious toward unmarried mothers and their children. His housing programs excluded minorities and disadvantaged central cities. And his most long-lived work programs lasted less than a decade. As historian Alan Brinkley recently argued, "the New Deal has often seemed as significant for its failures and omissions as for the things it achieved." Brands's biography would have been more powerful had it paid more attention to FDR's failures and omissions.

Like Brands, Adam Cohen echoes the first generation of liberal scholarship on the New Deal in *Nothing to Fear*, the newest of three books on FDR's first hundred days to appear in the past three years. In Cohen's view, FDR's first hundred days were nothing less than "the third great revolution" in American history. Cohen, a member of the *New York Times* editorial board and co-author of an excellent book on mid-twentieth-century Chicago boss Richard Daley, focuses on the president's inner circle—a professor, a social worker, a labor reformer, a crusading agricultural journalist and a cantankerous fiscal conservative. In Cohen's account, FDR is the nation's improviser in chief, someone with few strong convictions and shockingly little expertise on economic issues. Labor Secretary Frances Perkins considered the president to be economically "illiterate." But FDR turned his weakness into a strength. "Roosevelt does not have the extreme pride of personal opinion that has characterized some of our more bull-headed

Clear November Morning

O Brooklyn's harp, Manhattan spires
All the liars rough with others' lives,
Jesus sayers, hard moneyed men
Whose hearts are fists of power
Dishonor and death will find you out.

WILLIAM CORBETT

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presidents," wrote Henry Wallace, shortly before FDR appointed him as agriculture secretary. "He knows that he doesn't know it all, and tries to find out all he can from people who are supposed to be authorities."

Roosevelt's lack of convictions (other than a sense of urgency to address the Depression) was remedied by his ability to delegate policy-making to what he called a "factocracy," a talented and unorthodox group of advisers, many of whom had little experience in Washington. Through artfully drawn vignettes of budget director Lewis Douglas (the one Washington insider), confidant Raymond Moley (a Columbia economics professor), Wallace (who edited his family's farm newsweekly), Perkins (a longtime advocate for working women) and public works administrator Harry Hopkins (a social worker), Cohen compellingly conveys the extraordinary sense of possibility in Roosevelt's administration, even in one of the bleakest moments in American history.

Roosevelt's first hundred days were unprecedented in their scope and ambition. Barely settled in the White House, his administration stabilized the nation's collapsed financial system. He repealed Prohibition—in an act that enhanced his popularity and stimulated at least one vital sector of the economy. Altogether he signed fifteen major pieces of legislation in just a little more than three months. Roosevelt created the Tennessee Valley Authority, a massive public works project meant to modernize the region's economy. The newly minted Agricultural Adjustment Administration provided crop subsidies to farmers, regulating output and stabilizing prices in the deeply depressed agricultural sector (although privileging large farmers and seldom benefiting tenant farmers or farm laborers). His job-creation programs—the Federal Emergency Relief Administration and the Public Works Administration—dramatically reduced the ranks of the unemployed and stimulated the economy by building roads, libraries, post offices, hospitals and schools. And through the National Industrial Recovery Act—the most controversial and least effective of these first programs—the Roosevelt administration instituted central economic planning, promoting a novel collaboration between business and government.

For good reason, Cohen is most sympathetic to Roosevelt's job creation and public works programs and their advocates—Perkins and Hopkins. His most sensitive portrait is of Labor Secretary Frances Perkins, the first woman to serve in a presidential cabinet. Through a detailed account of her career, Cohen captures the humanitarian and reformist impulses that coursed through the New Deal. A witness to the infamous Triangle Shirtwaist fire of 1911, a crusader for minimum-wage and hours laws, an idealist but also an astute political operative, Perkins used her cabinet post to lay the groundwork for the New Deal's staunchly prolabor policies. For the first time, the government allied itself with organized labor and working people—an alliance that Southern Democrats and probusiness Republicans would assail in the 1940s but that was arguably the New Deal's greatest contribution to mid-twentieth-century American prosperity.

Cohen's argument that Roosevelt's programs were revolutionary, however, overstates the case. Most of FDR's programs were inspired by similar local and state innovations in the early twentieth century, the expansion of regulatory powers under Theodore Roosevelt and Woodrow Wilson and the interventionist economic policies of World War I. FDR also expanded Herbert Hoover's policy innovations. Cohen resuscitates the hoariest clichés about the Hoover administration as the last bastion of laissez-faire capitalism. To

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buttress his argument, he relies on the authority of one of Roosevelt's most partisan biographers, Arthur Schlesinger Jr. It was politically expedient for Schlesinger to draw a bright line between Hoover and Roosevelt. And it was made easier by Hoover's three-decade-long post-presidency—in which the bitter Republican spent most of his time railing against the New Deal. But Cohen discounts a whole generation of scholarship on Hoover that offers a far more nuanced portrait of his politics. Hoover was no libertarian. As secretary of commerce in the Harding administration and then as president, Hoover reorganized and dramatically expanded the federal bureaucracy. He stepped up antitrust enforcement—in contrast to FDR, who jettisoned antimonopoly politics while gesturing to it in his occasional denunciations of greedy business leaders. Hoover also created the Reconstruction Finance Corporation and signed the Federal Home Loan Bank Act, which restructured mortgage markets in an effort (that FDR would expand) to promote homeownership and spur the construction industry. The Tennessee Valley Authority grew out of Hoover-era public works projects, most notably the massive Boulder (later Hoover) Dam project. None of these programs were as ambitious as their New Deal counterparts, but they grew from the same Progressive roots that nourished Roosevelt's initiatives.

The political philosophy of Roosevelt's first hundred days was anything but coherent. The new administration mixed fiscal conservatism, central planning, large-scale government spending and public-private partnerships, localism and states' rights. Its successes were the result of experimentation, but so too were its failures. For example, Douglas, much more of a budget hawk and small-government advocate than Hoover, pushed through the Economy Act of 1933, which dramatically cut government spending, and in the process undermined the stimulative effects of Roosevelt's public works and jobs programs. Fiscal restraint characterized even FDR's most ambitious spending programs. None of the public works and job-creation programs of the early New Deal were sufficient to lower national unemployment rates below 10 percent. They stimulated modest growth—but together were not substantial enough to pull the country out of the Depression. FDR was so beholden to the principle of balanced budgets that in 1937 he dramatically cut federal spending and caused a devastating downturn. It would take the massive spending of World War II—still the most convincing demonstration of the power of Keynesianism to date—to reinvigorate the economy.

The political philosophy of Roosevelt's first hundred days was anything but coherent.

To note the limitations of the New Deal should not diminish its accomplishments. The legacy of the New Deal is inescapable: think of our post offices, bridges, highways and national parks, many of which began falling into decrepitude in the late twentieth century when Republicans axed domestic spending. Roosevelt and his successors failed to enact national health insurance, but they dramatically increased access to medical care through a massive hospital-building program. The programs launched in the first hundred days ended up delivering electricity to large parts of the United States, bringing the South into the First World. The New Deal's most important legacy, one hard to quantify, was that it transformed the relationship between citizens and the state, with enduring consequences. The New Deal launched a rights revolution—one embodied in FDR's calls for an expansive "economic bill of rights" that included decent housing, remunerative work and security in old age.

FDR's increasingly capacious sense of political rights was in part the outgrowth of innovative policy-making in the executive branch. But as historians like Lizabeth Cohen and Meg Jacobs (authors of important books on consumer politics) have shown, the New Deal was not simply developed and administered from the top down. It also sprang from political organization, grassroots mobilization, petitions, protest and disruption, or the threat of it. You wouldn't know this from Brands and Cohen, whose books share a weakness common to many presidential biographies. They offer rich insights into the life of Roosevelt and his advisers but relatively few glimpses of the times. The vast majority of Americans—the quarter of the population unemployed in early 1933, the masses lined up to recoup their money at failing banks, the wretched refugees of the Dust Bowl—appear mostly as passive bystanders, victims waiting to be saved by a heroic president. They listen to FDR on their radios, they write moving letters to the White House, but they are not the agents of change.

At best, both books give cameos to the Bonus Marchers, those World War I veterans who marched on Washington to demand that the country reward them for their sacrifice. Cohen devotes a paragraph to the pitchfork rebels of Iowa who rioted to protest foreclosures in 1933, leading to the imposition of martial law, and who had counterparts in nearly every rural area of the country in the early 1930s. The authors give a nod to the influence of militant labor activists. But their accounts downplay the firebrand leftists who gathered tens of thousands in mass demonstrations in nearly every big city; the unionists who used the economic dislocations of the Depression to organize workers to challenge corporate greed and demand workplace security; the millions of blue-collar workers, many of them immigrants and their children, who joined unions; and the urban blacks, fired up by FDR's promise to deliver them from poverty but outraged at the persistence of discrimination, who boycotted stores and who grew increasingly restive as the United States entered World War II.

Our history of the New Deal is woefully incomplete with these folks cast as extras in the drama of presidential politics. FDR's sense of urgency was not simply bred by his political genius, his leadership style or his personal experience. All of those mattered—they made him receptive to external pressure and, unlike Herbert Hoover, sympathetic to the plight of the "forgotten man." But the policy experiments of the New Deal were also the result of fear of upheaval and, later, concerns that radicals, whether communist or fascist, whether followers of Huey Long, Francis Townsend or Charles Coughlin, would prevail.

Whether Obama can tame the Great Recession, whether his mostly seasoned, Clinton-era circle of advisers will boldly experiment, and whether his presidency will ultimately be compared favorably with Roosevelt's, remains to be seen. It pays to recall that the New Deal was the result of presidential leadership and policy innovation, but also that the drama of the Great Depression and the New Deal played out in places far from the nation's capital—on New York City's streets, in Nebraska's cornfields, in Flint's auto factories and in California's shipyards. Perhaps the biggest difference between 2009 and 1933 is that Obama has not, at least yet, been seriously tested by organized pressure from below. That might ultimately be what distinguishes FDR's administration from Obama's. ■

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Violent Grace

by EMILY WILSON

Aeschylus' *Oresteia*, composed and first performed in 458 BC, is the only complete dramatic trilogy we have from ancient Athens. Not all Athenian trilogies were fashioned from related stories, but the *Oresteia* was: it tells what happens to the family of Agamemnon when the great general returns home to Argos, victorious from the Trojan War, with his concubine, Cassandra, and spoils from the conquered city. In the first play, *Agamemnon*, the general arrives with blood on his hands: that of the victims in Troy and that of his daughter Iphigeneia, whom he sacrificed to the gods so that the winds would blow his fleet to war. Agamemnon, along with Cassandra, is killed in turn by his wife, Clytemnestra, with the help of her lover, Aegisthus. In the second play, *Choephoroi*, these murderers are killed by Orestes, Clytemnestra's son, with the help of his sister Electra. The house of Agamemnon is again defiled.

The final play of the trilogy, the *Eumenides*, is named for its extraordinary Chorus. The "Eumenides" means the kindly ones, the euphemistic, apotropaic name for the Furies, who appear onstage in the play. They must have been an amazing sight, dressed in black, snakes in their hair. Divine agents of vengeance who stand opposed to the gods of the upper world, the Furies yearn for blood and defend the bonds of family over the newfound bonds of society and political allegiance. The Furies curse Apollo, protector of Orestes: they claim that the blood of Clytemnestra demands that Orestes must die. The cycle of killing seems ceaseless.

But then, in an extraordinary conflation of myth and history, the setting of the play shifts from Argos to Athens, to the court of the Areopagus, where murder trials were judged. The court was near the Theater of Dionysus on the Acropolis. The goddess Athena appears as representative of Zeus, to judge the trial of Orestes for matricide. Athena insists that the case be judged by a jury: democratic due process seems to have been introduced as the solution to the endless round of revenge. The jury is evenly split, and Athena, a goddess who has no mother, casts her own vote to acquit Orestes.

Emily Wilson is an associate professor of classical studies at the University of Pennsylvania. Her most recent book is The Death of Socrates: Hero, Villain, Chatterbox, Saint *(Harvard).*

An Oresteia
"Agamemnon" by Aiskhylos, "Elektra" by Sophokles, "Orestes" by Euripides.
Translated by Anne Carson.
Faber and Faber. 255 pp. $27.

The *Oresteia* tells a story about political and cultural stasis and transition. What happens when the crimes and mistakes of one generation seem to repeat themselves in the next? After a long history of oppression, marginalization or victimization of one group by another, can equality be restored? Can justice be upheld without revenge? Can a bad inheritance be overcome? At the same time, Aeschylus' trilogy moves from a system of private justice to one of public law; from the family to politics, tyranny to democracy, matriarchy to patriarchy; and from perplexing signs to revealed truth, as the shady, densely metaphorical and ambiguous language of the *Agamemnon* yields to the clarity of the *Eumenides*, and deep metaphysical and theological doubts are answered by the manifestations of gods onstage. In each case, the change is represented as progress. The *Oresteia* is a great work of art but also a dangerous piece of social propaganda that suggests that the only way to create a safe state society is to limit and suppress the power of women and the family.

In the United States, the most famous political use of Aeschylus is the spontaneous eulogy for Martin Luther King Jr. given by Robert Kennedy during a campaign stop in Indianapolis several hours after King's assassination. Standing in the bed of a truck before a crowd, mostly black, that had gathered to hear a stump speech, Kennedy broke the news about King. He then spoke of Aeschylus as offering a message of hope, a promise of reconciliation and progress, even after a seemingly endless cycle of racial violence and revenge.

> For those of you who are black and are tempted to fill with—be filled with hatred and mistrust of the injustice of such an act, against all white people, I would only say that I can also feel in my own heart the same kind of feeling. I had a member of my family killed, but he was killed by a white man.
>
> But we have to make an effort in the United States. We have to make an effort to understand, to get beyond, or go beyond these rather difficult times.

JOAN MARCUS

Stephanie Roth Haberle as Clytemnestra in Classic Stage Company's production of *An Oresteia*

> My favorite poem, my—my favorite poet was Aeschylus. And he once wrote:
>
> Even in our sleep, pain which
> cannot forget
> falls drop by drop upon the
> heart,
> until, in our own despair,
> against our will,
> comes wisdom
> through the awful grace of God.
>
> What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness but is love, and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.

The passage Kennedy recited is from Aeschylus' *Agamemnon*, and the translation was clearly Edith Hamilton's version, slightly misquoted ("despair" for "despite"). Kennedy, perhaps inspired by Hamilton's *The Greek Way*, interpreted the trilogy's central ethical concept—that learning comes by suffering (in Greek, the words "learning" and "suffering" rhyme, *mathos/pathos*)—in the most optimistic terms: suffering can teach us not only how to suffer but how to prevent more suffering, through love, wisdom, justice and compassion. It was a striking

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moment, not least because Kennedy invoked a play that tightens the screws on women and the family as a plea for racial equality.

Anne Carson's new version of Aeschylus' *Agamemnon*, which begins her powerful *An Oresteia*, offers a very different rendering of Kennedy's favorite lines:

> Yet there drips in sleep before my heart
> a griefremembering pain.
> Good sense comes the hard way.
> And the grace of the gods
> (I'm pretty sure)
> is a grace that comes by violence.

Carson is a well-known poet and classicist who has produced many other translations and imitations of Greek poetry, including a fine parallel-text rendering of Sappho, *If Not, Winter*. Her version of *Agamemnon* is characteristically alert to Aeschylus' tendency to coin compound neologisms: "griefremembering pain" is a powerful literal translation of *mnesimon ponos*. She also injects a personal, tentative note into these words by the Chorus. Aeschylus does not specify whose heart suffers sleepy pain. Whereas Edith Hamilton has the Chorus speak with one voice, in the first person plural ("our will"), Carson fragments the group into individual speakers, lonely dreamers who seem unsure of the truth of the proverbs and clichés they cite. In the world of her *Oresteia*, it is uncertain whether change ought to be a cause for hope, and Aeschylus' memorable oxymoron *charis biaios* (literally, "violent grace") seems less a religious mystery than a threat: violence may well triumph over forgiveness.

Carson creates a new and very different resolution to the questions posed by Agamemnon's homecoming and murder. Her *Oresteia* includes only Aeschylus' *Agamemnon*, juxtaposed with plays by two younger Athenian contemporaries based on the same myth: Sophocles' *Electra* and Euripides' *Orestes*. The idea for this new trilogy was not Carson's but that of Brian Kulick, the artistic director of the Classic Stage Company in New York City. Kulick and Carson together should be congratulated on a brilliant reimagining of Aeschylus' trilogy, which is far darker and more ambiguous in its resolutions than the original.

Neither Sophocles nor Euripides wrote a complete trilogy on the Agamemnon-Orestes story, but both did compose single plays about an episode from the cycle. Carson follows *Agamemnon* with Sophocles' *Electra*, which offers an analysis of obsessive, isolated, almost pathological grief. Most of the play consists of Electra's long, tormented laments for her dead father; finally Orestes returns to avenge his father's death. The action of Aeschylus' *Choephoroi* centers around the grave of Agamemnon, which dominates the stage; the dead Agamemnon is calling out for blood, and there are many signs that the gods below earth thirst for the vengeance the general's killers are destined to meet. For instance, Clytemnestra dreams that she is nursing a snake at her breast—the baby who will bring about her death. The matricide, in Aeschylus, seems to happen largely through the workings of divine will. In Sophocles' version, by contrast, the will of the gods is hard to interpret, and the focus of the play is on the turbulent feelings of human characters and the contradictory narratives they create to serve their advantage. The murder, in this play, depends on deceit: a piece of false news, that Orestes has died, is delivered to Clytemnestra and Electra by Orestes' old tutor, and Orestes himself shows them, as supposed proof of his own death, an empty funeral urn. A disguised Orestes deceives Clytemnestra into taking him into the house, where, thinking that she is at last safe from the fear of retribution, she is killed, along with her lover Aegisthus. The play is disturbing in both its emphasis on desperate grief and the suggestion that the only cure for such pain is retribution reaped with scams and lies. Unlike in Aeschylus, there is no hope of a political solution.

Carson makes use of citations from the Greek original in her version of Sophocles' *Electra*. Electra, with her seemingly endless moans of lamentation for her dead father, dominates the stage. In the first two-thirds of the play almost nothing happens in terms of plot, except that Electra establishes her unyielding determination to find words to express her grief, in the face of her mother's and sister's attempts to shut her up. Carson's use of Greek for some of Electra's laments could be extremely effective onstage: when told (falsely) of her brother's death, for example, she shouts out, "OI'GO TALAINA. My death begins now." The use of a language of grief that is, to us, foreign emphasizes Electra's strangeness, as well as the solipsism of her stance. But even more powerful is the attention Carson pays to Sophocles' metaphors. Electra tells Clytemnestra, "You are some sort of punishment cage/locked round my life." When the Chorus tries to persuade Electra that she is escalating the situation by responding to a violent murder with yet more violent grief, she responds with a suggestion that mourning is her religious duty and path to freedom. In Carson's version she says, "My cries are wings:/they pierce the cage." Carson arguably overtranslates some metaphors; for instance, the "cage" is an addition. But her extreme sensitivity to metaphor allows Carson to make Electra's story cohere as it otherwise might not: language is, in this play, the only way to escape the cage in which Clytemnestra has trapped her children.

Euripides' variations on the theme are, if anything, even less optimistic about the possibilities of human progress, though they are also often funny and surprising in their radical reinterpretations of the myth. His *Orestes*, composed in 408 BC, near the end of the Peloponnesian War with Sparta (which Athens would soon lose), introduces even more novel twists on the story, which is likely why Carson makes it the third play in her *Oresteia*. Euripides invents the premise that Electra and Orestes are threatened with death by stoning from the city of Argos, in punishment for their murder of Clytemnestra. Orestes pleads in vain with his uncle Menelaus (Agamemnon's brother) for help. When Menelaus temporizes, and death seems certain, the siblings adopt the suggestion of their fellow murderer, Orestes' friend Pylades, that they should take revenge by murdering his uncle's wife, Helen. Electra proposes the further scheme that they can blackmail Menelaus into helping them, by kidnapping his daughter, Hermione. The terrible cycle of crime and revenge, so familiar from the *Oresteia*, seems to be played here as black comedy or farce: Carson captures the disarmingly ironic tone when Menelaus complains, "I suffer terrible things," and Orestes replies, "Well, you screwed up." The plot is foiled only by the gods, who rescue Helen and take her to heaven; Apollo appears onstage, as Orestes holds his sword to Hermione's throat, and tells him to marry her instead.

Sophocles and Euripides were consciously responding to Aeschylus, and there are often verbal and metaphorical echoes of the earlier plays in the later ones. Carson doesn't hear a few of these reverberations. For instance, it is a pity that she does not pick up on the quotation of the Argive Chorus's wail of despair in the *Agamemnon* by the campy Phrygian house slave in the *Orestes*: "*ailinon ailinon*," they both cry, though the house slave claims that his phrase is taken from his own, barbarian language. In Carson, the first mourning cry is taken seriously: "Sing sorrow, sorrow, but let the good prevail." The second is played entirely for laughs: "Where I come from people say *bad shit happening*/when they mean death." Carson thus misses

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an important irony: to the characters in Euripides' *Orestes*, Aeschylus' *Agamemnon* seems itself like a foreign tongue.

But Carson includes enough resonances between the three plays to allow readers or audiences to feel the shocks of analogy and contrast. For instance, Euripides' murderers seem deliberately to present their decision to threaten Hermione with death as parallel to that of Agamemnon when he killed his daughter Iphigeneia. The *Agamemnon* Chorus had said, in Carson's version, "Then he put on the yoke of Necessity./His mind veered toward unholiness,/his nerve turned cold." Euripides' Electra tells Hermione there is no point in begging for mercy, even though she is her cousin: "It is fixed. We stand in the yoke of necessity." What had in Aeschylus been presented as a conflict of incommensurable values—loyalty to the fleet, or loyalty to family—becomes in Euripides merely the self-interested clash of different special-interest groups.

Nor can the city-state solve the problem of revenge: rather, the city at war is the root of the problem. Orestes claims, with comic disingenuousness, that matricide is an act of public service: "Picture this: wanton women throughout the land/murdering husbands, running to sons for refuge,/hunting pity with bared breasts—/they'd be killing their men at the slightest pretext./I put a stop to this. You call me unjust?" An extra layer of irony is added by the fact that Euripides' work was often seen—as was Aristophanes' *Frogs*, produced three years after the *Orestes*—as encouraging the antics of wanton women. The *Orestes* offers a dizzying lack of centralized perspective from which to make appropriate moral judgments. Apollo's arbitrary final decision is hardly a solution, but it is as good an ending as any. The play invites us to look back with new eyes at the trial of the *Eumenides*, which now seems equally rigged: Apollo comforts Orestes by saying, "Go to Athens and stand trial for matricide./Trust me, you'll win."

Carson is acutely conscious of the differences, in mood, worldview and style, among the three tragedians she translates. It is, then, a disappointment that she does not entirely succeed in making them sound properly distinct from one another. In Greek, Aeschylus is a far denser, more difficult writer than either of the others, fond of strange syntax and puzzling neologisms. Carson tends to eliminate a lot of the difficulties. For instance, when Agamemnon decides to kill Iphigeneia, he frames his decision in oblique, confusing language that perhaps speaks to his unwillingness to face up to what he is doing. A literal translation might go, "For hyperenragedly desiring in angry lust for a windstopping sacrifice and girlish blood is right. May it indeed go well." Carson gives a version of these lines whose only fault is clarity: "*Their desperation cries out for a sacrifice to change the winds,/a girl must die./It is their right./May the good prevail!*"

Carson suggests that "violence is intrinsic" to Aeschylus' work, just as it is to that of the painter Francis Bacon, because both reinvent realism, trying to "trap the living fact alive" through "symbolic overabundance." But her instincts as a writer seem to tend much more toward paring down, dissecting one body rather than piling up a heap. In contrast to all three Greek tragedians (who adhered to strict metrical forms), Carson's language is prosaic: it isn't quite like ordinary speech, but it isn't verse, either. She includes a few experiments with rhyme (which was not, of course, an element in any ancient poetry); but these serve, if anything, to bring the tone down rather than to elevate it. Electra's exchange with the Chorus over her mad brother's condition, in Euripides' *Orestes*, sounds like a weird bit of preschool-level doggerel: "CHORUS: Where does the end of his suffering lie?/ELEKTRA: Of course he'll die." Carson's lines are usually much shorter than those of the original, and there are fewer of them. She gives a speed-reading version of Greek tragedy, almost worryingly thin but still, in outline, beautiful.

The Cassandra scene in the *Agamemnon* is particularly revealing of a translator's method because it is itself preoccupied with issues of translation. Carson says she has spent years trying to grasp it. Agamemnon's Trojan concubine is an inspired prophetess who knows the future but suffers the curse, inflicted by Apollo, that her prophecies will never be believed. When she first appears onstage in Aeschylus' play, the audience may well believe that she is a nonspeaking character; Clytemnestra expresses doubt about whether she will be able to speak Greek. But Cassandra does speak, and she gives an extraordinary series of broken lyric utterances that hint at her knowledge of her own death; her language is Greek but seems like a bad translation, not from the Trojan but from the divine.

Carson's Cassandra sounds strange partly because Carson—as she does with Electra—includes some of the Greek cries in her English version. Cassandra screams, "OTOTOIPOPOIDA!/Apollo!/O!pollo!/Woepollo!/O!" The wordplay does not correspond to anything in the lines translated, but it seems entirely in keeping with Aeschylus' method. Somewhat less successful, to my ear, are the moments when Carson's Cassandra breaks into a professorial disquisition and provides helpful glosses on key words in her prophetic screams: "I with my *thermonous/thermonous* means hot soul, burning mind,/brain on fire." It seems jarring to make Cassandra into her own interpreter. Carson's *Agamemnon* does too much of the work for us and doesn't leave alone enough of what Carson has described, in a recent essay, as "the deliberately untranslatable." Her approach is more supple in the most powerful play in her trilogy, Euripides' *Orestes*, whose strange provocations owe little to linguistic difficulties but much to the slipperiness of its tone. Carson gamely invites some contemporary resonances: for instance, Pylades asks of Helen, "Where is she, that weapon of mass destruction?" Helen is a WMD not only because she has been the cause of thousands of deaths but also because she is, by the end of the play, not there at all.

It is hard to imagine President Obama citing Carson's *Oresteia* in a speech any time soon. But the movement of Carson's trilogy, away from the clear ideology of Aeschylus' *Oresteia* toward the much more complex, ambiguous world of Euripides' *Orestes*, seems pertinent to the current political climate. The characters are saved only by divine intervention, and Euripides mocks the notion that law or politics, or any preexisting system, could prevent catastrophe. Clytemnestra's father, Tyndareus, protests that there was, of course, already a system of law in place that ought to have prevented his daughter's death: Orestes could quite easily have thrown her out of the house without resorting to murder. "All this killing, it's like animals," he complains. "How can civilization survive?" Civilization seems to survive only by the skin of its teeth, and only on those rare occasions when people are able to choose not to behave like animals. Politics, laws, even divine bailouts can't help us if we insist on behaving badly. ■

The Hub

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It's a city of character
But no soul.

WILLIAM CORBETT

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BACK TALK

ADRIAN BELLESGUARD

Young Jean Lee

Young Jean Lee is an Obie Award–winning experimental playwright and director whose most recent play, *The Shipment*, recently closed a three-week run at The Kitchen. *The Shipment* is structured in three parts and was performed by a cast of five black actors. In the first part, a comedian delivers an abrasive, obscenity-laden stand-up routine. In the second, a "minstrel show," the actors sing and dance in a stereotypical story of an inner-city kid who becomes a rapper. In the third part, the actors perform a dinner party scene where, in a final twist, their characters are revealed to be white. Lee's next play, *King Lear*, seems unlikely to bear much resemblance to Shakespeare's original. —*Christine Smallwood*

I've heard that you generate a lot of material and then throw most of it away.

I studied Shakespeare for ten years, then dropped out of grad school and came to New York. I learned to make theater by watching young companies descended from Richard Foreman and from the Wooster Group—collaborative ensembles where everybody writes, everybody acts, everybody directs. In the collaborative groups a lot of the time it's democratic, but I definitely wanted to be the boss. I started this process, which is I cast the show before I write it. I don't know what gender the characters are going to be a lot of the time; I don't know how many there will be. It's just based on who comes into the room, who triggers that desire to write for them. People will say, I wish you would do this for my character; I wish this would happen—and then I go home and write more and bring it in. I'll take feedback from anybody. Between somebody else's good idea and my good idea, if theirs is better I have no issue with whose good idea it was. I just want the best idea.

How did you find the right tone for *The Shipment*?

We worked on it for a year, then we did these two workshop performances and both of them were horrible nightmares. Black people were offended and walked out, and white people were laughing, enjoying themselves and really dismissive afterward. The actors came out, at the end, doing all this confrontational stuff to the audience. We played an R. Kelly song, and they started doing every black-performer stereotype you can think of, very, very ironically. And then they tried to pull audience members onto the stage to dance with them. We didn't expect that anybody would actually go onto the stage—who is going to do that when they're doing all these stereotypes? But it completely went over the audience's head; they didn't get that it was ironic, and [white people] joyfully jumped onto the stage and started dancing like black people. The actors were really freaked out. I ended up throwing out everything that I'd worked on for a year, recasting the show and starting over from scratch.

Your plays feature music very prominently.

I'll hear a song, and a scene will just pop into my head. Like in *Songs of the Dragons Flying to Heaven*, I heard Mariah Carey's "All I Want for Christmas Is You," and the image popped into my head of all of these women in traditional Korean dresses miming gruesome suicides and then scuttling around the stage like crabs. It doesn't really make any sense when you hear it, but when you see it onstage that song goes perfectly with the image.

What is your sense of the state of American theater?

This is a little bit controversial, but I would say it's our most backward art form. I don't know what happened to theater. It's so expensive now—tickets are $50 to $100, so most of the audience members are over 50 and middle class and white. Because there's so little money in it and it's just gotten less and less popular every year, the really talented writers are going to Hollywood. Theater just can't keep them, so the quality of writing is lower. There's been this response where a lot of the plays out in the mainstream are just pretentious TV shows, bad TV shows. If you go to the theater, people will laugh at jokes they would never laugh at if they saw them on TV. It's really embarrassing. When European presenters come to New York, they don't go to see anything that's on Broadway or Off Broadway. It's like going to Disney World: the art-world equivalent of Norman Rockwell. Actually, pretentious Norman Rockwell, because every once in a while something flashy happens and then it's like, *Ooh!*

You have a deal to write a movie for Paramount. What does all this mean for you as a writer?

I worked for two years on *The Shipment*, and a few thousand people saw it. I don't want to stop doing theater—there is definitely something in the live-performance experience that could never be replaced by film. I was talking to Tim Etchells, from a company called Forced Entertainment in England, who's been doing this since the '80s. I asked him, "How do you become you?" He said, "You just survive. You keep making shows no matter what happens." Everybody of the older generation still making experimental theater today, they are such rock stars because they've weathered so many ups and downs. I'm almost 35, and all my life I've never cared about money at all. I made almost nothing—people can't believe what I live on—and I've never cared. And now I'm almost 35, and suddenly, for the first time, I don't want to be poor. That's how you lose people.

To what extent is your work ironic?

The thing that makes it not ironic, because it comes so close, is that there's never any contempt for anybody. It exposes human idiocy, but it's from the perspective of "I'm the idiot." Irony is when the creator and actors feel superior to what they're representing. Whereas in my case what the actors are embodying may seem ridiculous, but I write from my stupid place, so it's genuinely me being that stupid. There's this ring of truth because I actually am that stupid on some level. ■

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They Fought the Law

by MICHAEL O'DONNELL

Equal
Women Reshape American Law.
By Fred Strebeigh.
Norton. 582 pp. $35.

A colleague of mine recently argued an important civil rights case before the Supreme Court. In the hectic days before she left for Washington, as she reread every relevant decision and practiced clearing her throat, her attention was diverted by a niggling question: what would she wear to the oral argument? A fellow lawyer had set her to worrying by telling the cautionary tale of a female assistant solicitor general who some years earlier had shown up to court in what then–Chief Justice Rehnquist apparently regarded as an unlovely shade of brown. Halfway through her presentation, Rehnquist sent a note to the solicitor general, saying that he never wanted to see a government attorney wearing that color to the court again.

It would be too pat to conclude from this vignette merely that brown suits are bad and black ones good, that the Supreme Court is a fusty place or that Rehnquist was a nasty old grouch. The broader point is that there is a certain audacity to a profession that deals in grand pronouncements about equality while its most exalted captain upbraids a woman for sartorial choices he would likely not condemn if made by a man. Although Rehnquist was certainly no friend to women, neither was he alone in getting hung up on fashion as "lady lawyers" fought their way to the bar over the past seventy-five years. Harry Blackmun, who wrote the court's opinion in *Roe v. Wade*, frequently jotted notes about the outfits worn to court by female attorneys. ("White dress, youngish, nice girl," he wrote of one in 1972.) And Felix Frankfurter, a giant of the court, turned down a young attorney named Ruth Bader Ginsburg when she applied for a clerkship with him in 1960. She had graduated near the top of her class from Columbia Law School, but her grasp of the law didn't figure in Frankfurter's decision. "I can't stand girls in pants!" he reportedly said. "Does she wear skirts?"

Ginsburg is one of the central figures of Fred Strebeigh's monumental new book, *Equal*, which tells the story of women's struggle for equality through the courts and their rise in the legal profession. Ginsburg, of course, did just fine without Frankfurter's clerkship; in fact, she went on to become the single most important figure in the modern women's legal movement. She was one of the country's first female law professors, co-founded the ACLU's Women's Rights Project, argued a half-dozen pathbreaking gender-equality cases in the Supreme Court (including *Frontiero v. Richardson*, in 1973, and *Weinberger v. Wiesenfeld*, in 1975) and currently serves as that court's only female justice, where she has repaid Frankfurter's favor by hiring two or three women per term for her quartet of law clerks. Remarkably, Ginsburg granted Strebeigh open access to her pre-judgeship files, a decision that turned an excellent book into an indispensable one that will be an invaluable resource for the full biographies to come.

Ginsburg's great achievement as a litigator was to intensify the court's scrutiny of laws that treated men and women differently. Courts had traditionally employed two levels of analysis when reviewing constitutional challenges to laws that distinguished between different groups of people. "Rational basis" review was deferential to legislatures and the laws they passed, whereas the searching standard of "strict scrutiny" was reserved for laws that discriminated based on race or national origin, and usually meant doom for the law being challenged. In her briefs to the court, Ginsburg cleverly described the rational basis test, which was used for gender classifications, in tough language, and the court parroted her phrases in its opinions, creating a sort of lazy man's scrutiny: rational basis with teeth, as the law professors say. The laws that Ginsburg overturned in this way were quotidian—for instance, a Social Security regulation that undervalued women's work by paying less to the surviving husband of a deceased female breadwinner than to the surviving wife of a male breadwinner. Nevertheless, the decisions made great precedents. Eventually the court settled on applying "intermediate" or "heightened" scrutiny to laws that discriminated based on gender.

Another line of equal rights cases fared less well—perhaps because the impassioned female attorneys packed shotguns when they really needed Ginsburg's sniper's rifle. Many state disability and unemployment insurance programs once excluded coverage for conditions relating to pregnancy, even denying claims for completely unrelated illnesses if the woman happened to be pregnant at the time. Challenges to these rules crashed into the brick wall of one of the most baffling and inane pieces of legal sophistry ever written: Justice Potter Stewart's conclusion, in *Geduldig v. Aiello* (1974), that pregnancy exclusions did not violate the Constitution because they discriminated not against women but against "pregnant persons."

This loss led Congress to pass the Pregnancy Discrimination Act of 1978, which may have been just as well because statutes, unlike court decisions interpreting the Constitution, have the added advantage of democratic legitimacy. Strebeigh might have mentioned that the Pregnancy Discrimination Act was not the only women's rights victory in Congress after a loss in the court. The National Organization for Women, in a series of aggressive Supreme Court challenges to violent antiabortion protesters, prompted Congress to pass the Freedom of Access to Clinic Entrances Act in 1994.

Even though Strebeigh tells these litigation histories extraordinarily well, it's his detailed research and knack for piecing together tales of backstage advocacy that make *Equal* such an outstanding book. In one tale, Strebeigh recaps the machinations of a female law clerk working for a male judge on the California Supreme Court during a sex discrimination case in 1970. After the petitioners filed a shoddy brief, the clerk, Wendy Williams, stretched the ethics rules by calling a law professor friend and persuading her to file a brief to supply additional support. The court ruled for the plaintiff, striking down the state's revocation of a liquor license for a bar that had scandalously employed female bartenders ("alewives, sprightly and ribald," Frankfurter would have called them). Another such tale features Catharine MacKinnon, whose father was a judge on the US Court of Appeals for the District of Columbia Circuit, a powerful federal appellate court. In 1975 MacKinnon was using family privileges working in the court's library on a law school paper about sexual harassment—a

Michael O'Donnell is a lawyer in Chicago whose writing on legal matters has appeared in Bookforum, *the* Los Angeles Times *and the* Christian Science Monitor.

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novel term at the time—when she was approached by the female law clerk of another judge on the court. The clerk had heard about MacKinnon's paper and asked if she could borrow it, since her own research for a pending case had uncovered no authorities on the topic. MacKinnon agreed and was later pleasantly surprised to see some of her language appear in a landmark opinion prohibiting sexual harassment under Title VII of the Civil Rights Act of 1964.

Although Strebeigh does not say so expressly, Williams's and MacKinnon's stories undercut the notion that gender discrimination, a man-made problem, was also a problem solved by men. No one can deny the tireless efforts of female advocates, but the assumption has usually been that women made their best case while men made the decisions, much as whites and not blacks had the final say over ending slavery. One pictures Ginsburg, perhaps wearing a ribbon in her hair or, as she has lately done, a kerchief at her throat, standing alone before nine male justices in the 1970s. Here are just two examples—the book contains many more—of male judges relying on female law clerks or students to help decide key cases about women's equality. This aspect of *Equal* in particular ought to be told widely.

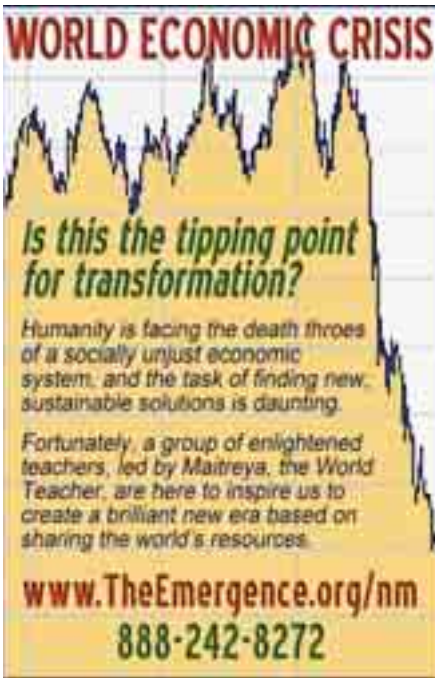
If the courtroom battles were dramatic, Strebeigh's section on women in the legal profession makes for the book's most infuriating reading. One of the striking points for young readers—those of MacKinnon's generation will need no reminders—is how pervasive and flagrant gender discrimination was so late in the twentieth century. At the start of 1968 only 5 percent of American law students were women, and a prominent property law casebook published that year opined that "land, like woman, was meant to be possessed." As late as 1983, the prominent Atlanta firm King & Spalding scuppered its plans to hold a wet T-shirt contest for its female summer associates, settling instead on a bathing suit pageant. Of the winner, one male partner told a reporter, "She has the body we'd like to see more of."

A key step in integrating this frat-boy profession was a lawsuit brought by female law students in 1975 against the New York City law firm Sullivan & Cromwell, which like many big firms systematically rejected female applicants with stellar résumés while hiring less qualified men. Strebeigh expertly covers every angle of the complicated litigation, including Sullivan & Cromwell's savvy decision to hire liberal labor attorney Ephraim London for its defense. His tactics included calling the female lawyer for the plaintiffs a "yahoo" and "puerile"—shenanigans that few federal judges will abide. Constance Baker Motley was no exception: she was an African-American civil rights legend, the only female judge on the US District Court in southern New York and a miracle draw for the plaintiffs. The defense asked Motley to recuse herself because, in counsel's words, "I believe you have a mindset that may tend, without your being aware of it, to influence your judgment." Here Strebeigh's analysis is particularly acute:

> [A] crucial realization…was emerging about man-made law: Male lawyers like London supposed (and in this case had the nerve to argue, on behalf of an all-male partnership) that the standard for unbiased judging was white and male. If a judge diverged in sex (female) and race (colored), a male lawyer could try to remove her for embodying "bias" not common in judicious white males.

Judge Motley, needless to say, denied London's motion.

Still, it is worth considering, if only to test the nonsense reflex, why women were assumed to be unsuited to judging and, for that matter, to lawyering. Prejudice against female judges seemed to include the thought that women could not corral or even intimidate male attorneys in the way that a good stern judge—all jowls and white whiskers—was expected to do. When law firms did start to hire women in the '60s and '70s, they usually placed them in trusts and estates departments, where the work involved preparing wills, navigating delicate issues like death and inheritance and handling detailed paperwork. Women were deemed not confrontational or aggressive enough for the man's game of litigation. Increasing integration has shown these assumptions to have been false; female judges and attorneys can be ferocious too, and they have certainly kept pace with their male counterparts. And if women have altered the belligerent masculine ethos of lawyering, that is not necessarily a bad thing; the increasing trend toward mediation, which many credit to women, has resolved countless legal disputes with less time and cost than horn-locking in court. In other words, the years-old biases against female attorneys sailed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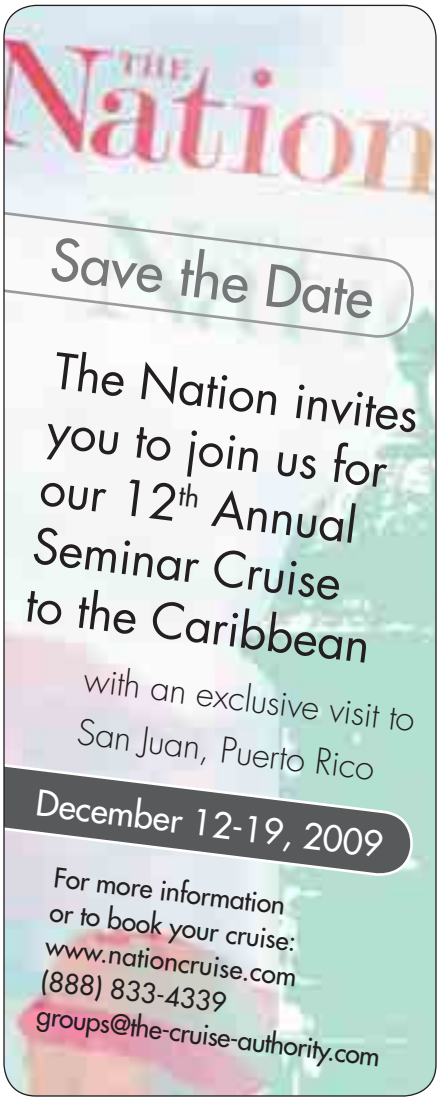
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onward, untested, but upon testing turned out to be no more reliable than the suppositions that gays can't be soldiers, blacks can't be doctors and white men can't jump.

Although women now account for nearly half of all American law students, there are lingering biases against them in the hierarchy of the profession: they are still woefully underrepresented in law firm partnerships (18.3 percent), general counsels' offices (18.4 percent), law school deans' suites (19.8 percent) and judgeships (26.9 percent). For progress to continue, the profession must continually re-evaluate its assumptions about the relevance of gender to legal tasks and above all end the mommy track, which denies partnership to mothers. It's a problem that all lawyers know about but few openly acknowledge—with the notable exception of the Project for Attorney Retention, whose detailed studies about sex disparity in law firms have lent a modicum of empirical rigor to an emotional issue.

Strebeigh concludes with a section on the Violence Against Women Act of 1994 (VAWA), which provides federal support for state investigations and prosecutions of rape, domestic violence and other crimes targeting women. VAWA also sought to make up for the shocking persistence in many states of anachronisms like the "utmost resistance" standard, which precluded a rape conviction unless the woman used all her physical strength to prevent penetration, and the marital rape exemption, which held that a husband cannot be charged with raping his wife. The statute combated these dated standards by creating a right to sue in federal court anyone who attacked a woman because of her gender. Opponents to the proposed law feared that this provision would flood the federal docket, and, remarkably, Rehnquist lobbied against it, publicly arguing that it would undermine states' traditional prerogative in this area of law. Congress passed it anyway, and in 2000 Rehnquist wrote the court's 5–4 decision (joined by Justice Sandra Day O'Connor) in *United States v. Morrison* that struck down the provision authorizing federal suits. The court's dubious rationale was that Congress had exceeded its constitutional authority—even though the Fourteenth Amendment gives Congress broad power to pass civil rights legislation. In today's meager discourse about legal issues, most of us just nod along cynically when politicians mention the Rehnquist court's "federalism revolution." *Equal* puts the term to work, vividly illustrating how the conservative court's efforts to shift power away from the federal government and toward the states frequently had the convenient effect of invalidating progressive federal laws.

Notably absent from the book is any significant discussion of abortion rights, which in this country have largely been won in courts rather than legislatures. Some readers, viewing reproductive freedom as the most fundamental of women's rights, may see the omission as a major oversight, although Strebeigh may simply have wanted to avoid retelling a familiar story. On the conceptual level, though, Strebeigh's decision makes sense: much of the constitutional discussion in the book centers around the Fourteenth Amendment's straightforward equal protection clause, whereas abortion rights are based on the murkier and more malleable due process clause—which, on its face, says nothing about abortion. Many important legal advances, including abortion rights but also, lately, protections for gays and lesbians, would wobble less today if they rested on the sturdier foundation of equal protection, with its relatively clear textual guarantee. Leaving aside abortion law allows Strebeigh to avoid having to untangle legally (as opposed to politically) knotty problems.

If this decision was defensible and even savvy, that does not mean *Equal* is immune to criticism. One is loath to venture a word in support of Rehnquist, whose consistent votes against women's interests did far more harm than his outfit-sneering, but Strebeigh, in his zeal, occasionally swipes at the late chief justice for the wrong reasons. Strebeigh calls out a Rehnquist opinion for omitting vulgar profanity from the case record, and for referring to 100-year-old Supreme Court decisions by using the royal "we" (as in, "we held in that case"). But both habits are actually common among the justices, who prize decorum and a sense of institutional continuity. Strebeigh also accuses the Bush administration of nominating the hapless Harriet Miers to the court in 2005 so that Bush could hide behind the failed attempt to appoint a woman when he went on to pick a man, which is what he wanted all along.

This is a bizarre and unsupported charge; there is plenty of room for criticizing the Miers pick on grounds of cronyism and incompetence without digging for the buried treasure of conspiracy theories. But these are quibbles, because by and large, Strebeigh demonstrates exceedingly fine judgment in his analysis of the court. ■

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Events

NATIONAL

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■ Join Robert Redford, Howard Zinn, Amy Goodman, Jesse Jackson, Katha Pollitt, Joan Claybrook, Cindy Sheehan, Dennis Kucinich, Russ Feingold, George McGovern, Barbara Ehrenreich, Robert McChesney, John Nichols, Katrina vanden Heuvel and Laura Flanders. Madison, Wisconsin, May 1–2. (608) 257-4626, progressive.org.

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■ War and global capitalism. Unemployment and recession. For speakers and resources on these and related topics, contact Economy Connection, a project of the Union for Radical Political Economics. We can provide speakers for formal or informal events sponsored by community groups, unions, high schools, colleges or political organizations. Our speakers can talk about wealth and poverty and the economic forces that generate increasing income inequality, between and within countries. Contact us at soapbox@comcast.net or (201) 792-7459.

The advertising deadline for Events is every Thursday. Rates: $210 for 50 words; $260 for 75 words, additional words (above 75) $2.00 each. To place an ad, call Amanda at (212) 209-5414.

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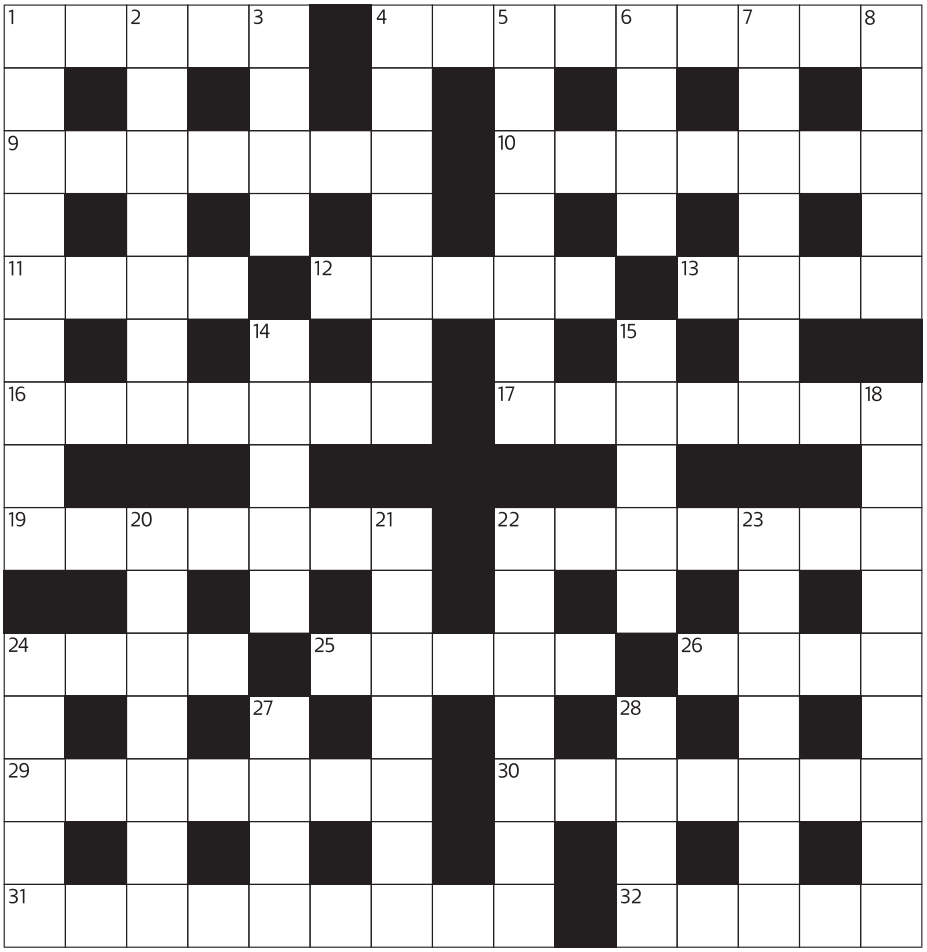
Puzzle No. 3166

FRANK W. LEWIS



ACROSS

1 and **4** A gun-toter had to be, as does a speed artist. (5,2,3,4)

9 These birds are so backward with what they seek, to a point. (7)

10 At a lost, ravaged city, where Elaine came from. (7)

11 Aviators one might like to see in the hole. (4)

12. Mehitabel's little pal is mischievous at the onset of Yuletide. (5)

13 This Society is rather rarefied and might even sound like a form of address! (4)

16 Only the top people get to lie this way. (2,5)

17 Someone like Amos, but it sounds like something well-earned. (7)

19 This is in the same Book as 17 might be, or lots of people. (7)

22 A painter in Paris might be one, with unusual traits, to a point. (7)

24 and **25** They might tell you how far you are from a big city. (Stop and smile—they make them up!) (9)

26 Little Harold has nothing to put on top of a very special being. (4)

29 A bad air with wrongdoings might improve some of the cook's output. (7)

30 Pertaining to certain fiber bundles, showoffs have a lot of what is around in here. (7)

31 and **32** As seen in a ballet, she might be favored by those with a sweet tooth. (9,5)

DOWN

1 and **24** Grades given a current market price? Some crook two fingers on each hand to imply them. (9,5)

2 What the reporter announces, as a way to get in—or to have a certain effect on people. (7)

3 and **14** Things you want to remember. (Or what a Japanese person might do in jars.) (4-5)

4 Ever sob like this? Only if in trouble, see! (7)

5 Where four o'clock is a ritual, but if you have the wrong seat, jump to it! (3-4)

6 What did I say is wrong about 5? Many a diner hangs this out. (4)

7 One of the queen's favorites, the Royal Athletic League, has pieces of eight (four-fifths, to be exact)! (7)

8 Look at the clock, sort of—this man cried a lot! (5)

14 See 3

15 Cleans out the place, and comes up with someplace to sit. (5)

18 I'll never go there anymore, according to the old song. (They place it around a good place to find flowers.) (3,6)

20 The point where things get watery—let loose in China. (7)

21 The ceremony of marriage might show a loss up here! (7)

22 Politician Tony misspeaks, including a word that means just the opposite. (7)

23 A foreign language was difficult to begin with, with most of a hill having one. (7)

24 See 1

27 What the train runs on, coming up like one you wouldn't believe! (4)

28 A good begining with the British fly-boys, with a Germanic title. (4)

SOLUTION TO PUZZLE NO. 3165

	B	O	X	I	N	G	M	A	T	C	H	E	S	
M		N		N		O		B		A		N		H
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C	O	N	F	E	R	R	E	D		I	N	R	E	M
H				F		T		G		N		A		
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E		O		R		J		D		N		C		H
F	O	U	L	S	H	O	T		G	E	N	E	V	A
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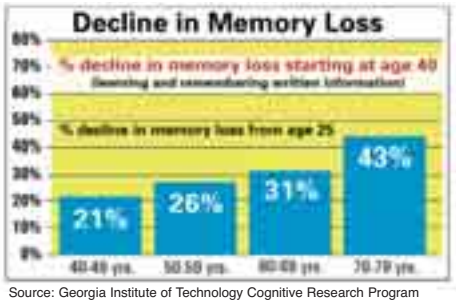
WARNING: IS YOUR MEMORY FADING?

Breakthrough research reveals "senior moments" may be caused by "brain starvation"

You may be able to avoid long-term issues if you act before it's too late. Leading medical researchers reveal discovery that triggers body's own production of mental "superfuel" and may help reverse the damage caused by stress and age.

Do you remember your first kiss but not where you left your car keys? You're not alone. Millions are discovering that as they age, their short term memory and mental sharpness seem to be slipping. The cause of these inconvenient "gaps" in memory sits deep inside your brain, among the billions of tiny nerve connections. New brain cell growth starts dropping after age 25, and then dramatically after 50, starting a downward spiral that can lead to everything from those frustrating "senior moments" to even more severe memory breakdowns.



Source: Georgia Institute of Technology Cognitive Research Program

Downward Memory Spiral is Reversible

Studies have shown that the efficiency of brain cells declines after years of free radical damage and stress. It was long believed that as we got older, memory problems were inevitable. But medical experts have revealed that **the downward memory spiral is reversible.** Compelling new research shows that there's a simple way to stimulate new brain cell growth that can boost your memory, improve your focus and restore your mind's mental sharpness.

Are you starving your brain?

If you have experienced one or more of these symptoms, you may benefit from Neurostin™.

- ☑ Do you forget names or dates?
- ☑ Do you sometimes get confused?
- ☑ Do you find it difficult to do more than one thing at a time?
- ☑ Do you often forget why you walked into certain rooms?
- ☑ Do you find it hard to concentrate?

Achieve Peak Brain Performance

Challenging mental games aren't enough to build a better brain. Your mind is the most complex and demanding organ in your body. It's also a high-performance supercomputer that requires the right chemical "foods" to perform at its peak.

One of the brain's most important nutrients is choline. Choline is a substance in our body that our brain desperately needs to help manufacture new cells and improve vital neurotransmitters (the basic processes of thinking and memory). Until now, it was believed that there was no way to safely and naturally produce this remarkable mental "superfuel." But after years of extensive research and testing, microbiologists and brain researchers at the University of North Carolina, in England at Newcastle General Hospital, and at the prestigious Weizmann Institute of Science in Israel have developed a way to help boost choline production. Their breakthrough formula also helps stimulate new brain cell growth, leading to a significant improvement in memory, concentration and helps clear stubborn "brain fog."

Improve Memory and Focus Without a Prescription

This exciting breakthrough discovery is now available in a ***time-release capsule*** called Neurostin™ Complex-Memory Pill that is available without a prescription to anyone looking to sharpen their memory. Neurostin™ contains a unique combination of antioxidants, botanicals and nutrients to support critical processes for good cognitive function. Its high concentration of specific brain-boosting ingredients helps improve the synthesis and transmission of neurotransmitters necessary for improved mental clarity. The Neurostin™ formula is completely safe and contains no stimulants, ephedra or caffeine.

Protect Your Memory Now Before It's Too Late

Why wait until your lack of focus or forgetfulness creates an unsafe situation? Today it was your reading glasses, but tomorrow it could be the stove. You forget a phone number today, but tomorrow it could be where you parked your car at the mall.

Just as important is the personal toll that a fading memory can take on your family and friends. Don't you owe it to them and your future to take your brain's fitness as seriously as you do your heart health? It couldn't be easier. In as little as 30 days you can get back the mental sharpness and focus you had when you were 20 years younger! Act today and unlock your mind's true potential!

How Neurostin™ Works

- **Provides the building blocks** of nerve cell membranes to promote optimal brain cell activity
- **Assists in the production** of acetylcholine, a vital component for improved mental performance
- **Helps relax blood vessels** to increase blood flow for maximum nutrient and oxygen delivery
- **Helps dispatch antioxidants** which inhibit free radical oxidation of nerve cell membranes

These statements have not been evaluated by the FDA. This product is not intended to treat, diagnose, cure, mitigate or prevent any disease. Return postage may be required. Neurostin is not endorsed, associated or affiliated in any way with Newcastle Hospital, UNC, or the Weizmann Institute.

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a) more oil

b) more natural gas

c) more wind

d) more solar

e) more biofuels

f) energy efficiency

✓g) all of the above

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